

# **CEQA Scoping Report**

## **Prospect Island Tidal Habitat Restoration Project Environmental Impact Report**

*Lead Agency/Project Sponsor:*

*California Department of Water Resources*

### **Fish Restoration Program Agreement**

**August 2013**



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## **1. INTRODUCTION**

The California Department of Water Resources (DWR), the lead agency implementing the California Environmental Quality Act (CEQA), and the California Department of Fish & Wildlife (CDFW) have initiated environmental compliance documentation for the Prospect Island Tidal Habitat Restoration Project (project), a component of the Fish Restoration Program Agreement (FRPA), in Solano County, California. This includes the preparation of a Draft Environmental Impact Report (DEIR), which will be prepared in compliance with CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000 and 15387). The DEIR will evaluate the environmental effects of restoring tidal freshwater emergent marsh wetland and open water habitats on Prospect Island.

Under CEQA, scoping is an early and open process for determining the scope of issues to be addressed in the DEIR. During the scoping process, the CEQA lead agency is required to invite potentially affected federal, state, local agencies, potentially affected Indian tribes, and other interested persons to provide input on the scope of the environmental analyses to be conducted for the project. The CEQA lead agency is also required to hold at least one public scoping meeting for projects of statewide, regional, or area-wide significance.

DWR initiated the CEQA process by issuing a Notice of Preparation (NOP) on May 17, 2013 to solicit input and comments on the scope of the DEIR. Stakeholders were provided over 30 days from the date of receiving the NOP to comment on the NOP and inform the scope of the DEIR. The review period of the NOP began May 17, 2013, and ended June 21, 2013. DWR received comments from 14 entities including federal and state agencies, local interest groups, local residents, farmers, and landowners. DWR held a public scoping meeting on June 10, 2013 to identify public concerns and comments on the DEIR scope.

This CEQA Scoping Report summarizes the scoping process conducted for this project, as well as the oral and written comments received during the formal public scoping comment period.

### **1.1. Organization of the Scoping Report**

This document is organized in three sections. Section 1 describes the project and the scoping process. Section 2 describes the comments received during the scoping process, either at the public scoping meeting or as formal comment letters submitted via the project website, e-mail, fax, and mail. Both oral and written comments are documented in Section 2. Most responses included more than one comment, and comments are grouped together by issue topics. Section 3 lists the individuals and agencies that provided written and oral scoping comments. Appendix A includes materials used to notify the public of the scoping meeting. Appendix B contains the meeting materials. Appendix C includes the written comments received during the scoping period. Appendix D includes a list of the abbreviations used in this document.

### **1.2. Project Background**

The Fish Restoration Program Agreement (FRPA) between the California Department of Water Resources (DWR) and the California Department of Fish and Wildlife (CDFW) addresses specific habitat restoration requirements of the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Biological Opinions (BiOps) for State Water Project (SWP) and Central Valley Project operations. FRPA also addresses the habitat requirements of the CDFW Longfin Smelt Incidental Take Permit for SWP Sacramento-San Joaquin Delta operations.

The primary objective of FRPA is to implement the fish habitat restoration requirements and related actions of the BiOps and the ITP in the Delta, Suisun Marsh, and Yolo Bypass. FRPA is focused on restoring 8,000 acres of intertidal and associated subtidal habitat in the Delta and Suisun Marsh to benefit delta smelt, 800 acres of mesohaline habitat to benefit longfin smelt, and a number of related actions for salmonids. Habitat restoration actions implemented in compliance with the USFWS BiOp may also meet the habitat restoration requirements of the ITP.

The project is the proposed restoration of an approximately 1,600-acre property located in Solano County in the northern portion of the Sacramento-San Joaquin River Delta to tidal wetland habitat. The project is intended to partially fulfill the requirements stated above.

### **1.3. Scoping Meeting Notification**

DWR noticed stakeholders about the NOP and the scoping period and meeting through the following methods:

- Posting in the State Clearinghouse
- Paid advertisements in the Sacramento Bee and the Rio Vista Beacon
- Certified mailing of the NOP to a list of 34 interested and affected stakeholders
- Email notice of the NOP with a link to access it online was sent to FRPA's listserv of 150 recipients, including agencies, organizations, and individuals that have shown interest in the project
- Information was posted on the FRPA program website
- Communications during previously scheduled stakeholder outreach and coordination meetings

Copies of advertisements and meeting notice materials are included in Appendix A.

### **1.4. Scoping Meeting**

DWR conducted one scoping meeting, on June 10, 2013 from 7:00 – 9:00 p.m. in West Sacramento, CA, to solicit comments and input on the scope of the DEIR.

The scoping meeting began with a 15-minute “open-house” activity where participants were invited to browse project maps and ask questions and discuss specific issues of concern with agency and program staff.

The open house was followed by presentations made by DWR and program staff and consultants. The presentations provided information on: the meeting process and how to provide public comment; the CEQA process, scoping process, and compliance with CEQA regulations; and FRPA and the Prospect Island project. Copies of the meeting materials are included in Appendix B.

A public comment session was held after the presentations, during which meeting attendees were invited to provide formal oral comments. These comments are summarized in Section 2 below. During the scoping meeting, participants also were encouraged to submit written comments, or to take home comment forms to submit by mail, e-mail, or fax before close of the comment period on June 21, 2013. Four individuals attended the scoping meeting. These written comments are also summarized as part of this report and are included in their entirety in Appendix C.



## 1.5. Other Public Involvement Strategies

In addition to soliciting and collecting comments on the project during the scoping period, DWR and CDFW engaged with key stakeholders and the general public prior to the scoping period in a variety of ways as outlined by the [Prospect Island Communications and Engagement Plan](#). This plan outlines several public involvement strategies to be undertaken throughout the project's CEQA process to inform and involve all levels of leaders, managers, stakeholders, and the general public about project activities, progress, actions, and documents. The strategies include: informational briefings through existing stakeholder engagement venues, with local governments and agencies, and with other interested stakeholders; engaging landowners and other potentially affected stakeholders to inform project design; periodic and timely presentations; partnerships with local organizations to reach out and involve constituents; information dissemination on the project website and through the project listserv; publications including fact sheets and newsletters; and frequent and ongoing stakeholder coordination.

The following stakeholder and public outreach meetings were held prior to the scoping period.

| Date        | Venue/Stakeholder Group   | Format                             |
|-------------|---|------------------------------------|
| 8/21/12     | BDCP Management Team Meeting  | Interagency Coordination           |
| 10/16/12    | Bay Delta Science Conference  | Conference Presentation            |
| 10/24-25/12 | DRERIP Evaluation   | Expert Panel Review                |
| 11/14/12    | Delta Conservancy All-Delta Public Meeting                                | Public Presentation                |
| 1/10/13     | US Army Corps Operations Branch and Port of West Sacramento               | Coordination Meeting               |
| 1/17/13     | Delta Conservancy Board   | Public Presentation                |
| 1/17/13     | Delta Independent Science Board   | Public Presentation                |
| 2/1/13      | Arrowhead Marina  | Coordination Meeting               |
| 2/14/13     | Solano County Water Agency  | Coordination Meeting               |
| 2/26/13     | Port of West Sacramento and Bar Pilots Association                        | Coordination Meeting               |
| 3/4/13      | Solano County Department of Resource Management                           | Coordination Meeting               |
| 3/7/13      | RD 2068 and North Delta Water Agency                                      | Coordination Meeting               |
| 3/28/13     | Delta Protection Commission   | Public Presentation                |
| 4/4/13      | RD 501  | Coordination Meeting               |
| 4/18/13     | US Army Corps Operations Branch and Central Valley Flood Protection Board | Interagency Coordination           |
| 4/24/13     | IEP-CWEMF Joint Conference  | Conference Presentation and Poster |
| 4/30/13     | U.S. Army Corps of Engineers  | Interagency Coordination           |
| 5/21/13     | Lorraine Stringer   | Coordination Meeting               |
| 5/23/13     | Yolo Bypass Working Group   | Public Presentation                |
| 6/5/13      | North Delta Water Agency  | Coordination Meeting               |

## **2. PUBLIC COMMENTS RECEIVED THROUGH SCOPING**

This section summarizes the range of scoping comments received through the scoping period. These comments raised issues that will be taken into consideration by the FRPA agencies, and may require further coordination with the commenter or the relevant organization. The summary of comments presented in this section is organized by topic area and arranged in alphabetical order. This organization does not represent a relative importance among comments or topic areas, but rather is intended to facilitate presentation of comments in an orderly manner.

In total, 14 entities provided written and/or oral comments through the scoping process.

### **2.1. General**

Two comments stated that a thorough and complete project description (including a description of all phases of the Project, equipment to be used, access roads, staging areas, construction procedures, construction schedule, and long-term monitoring of mitigated lands and biological resources) should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. One of these comments stated that this project description should be precise in describing project details related to the California State Lands Commission allowable activities in order to inform the Commission's analysis of the work to be performed at the site.

Another comment stated that the EIR should include a cumulative impacts section to determine all past, present, and probable future projects in the area that may contribute to a greater level of environmental impacts. This analysis should define the cumulative impacts "study area" boundary, show the locations of other projects included in the analysis, and explain how those projects and the proposed project may interact. The comment indicated that if potentially significant cumulative impacts are identified, the EIR should propose feasible mitigation measures to minimize those potential impacts.

An additional comment indicated that in order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, or enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (according to State CEQA Guidelines).

### **2.2. Aesthetics**

One comment expressed concern about vegetation removal along the road on the north side of Prospect Island, close to Arrowhead Marina, and stated that these aesthetic impacts should be evaluated.

### **2.3. Air Quality and Greenhouse Gas**

Two comments stated that the effect of global warming and associated potential rise in sea levels along the California coast and associated effects on local hydrology, water quality, and perimeter levee stability should be studied in the EIR. The comments indicated that the project area and facilities/infrastructure could be affected under the common range of sea level rise scenarios.

One comment stated that a greenhouse gas emission (GHG) analysis that is consistent with the California Global Warming Solutions Act should be developed. The comment stated that the EIR should list all expected equipment and vehicles to be used as well as their duration of use and their GHG emissions rate, identify a threshold of significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the project, and determine significance of the impacts and those emissions. If impacts are significant, the comment stated that mitigation measures that would reduce the impacts to the extent feasible should be identified in the EIR.

## **2.4. Biological Resources**

A comment indicated that DWR should work closely with CDFW, USFWS, and National Marine Fisheries Service (NMFS) during development of the EIR to identify any special-status plants or wildlife species occurring in the project area that may be affected by the project. The comment indicated that although the project may result in cumulative positive impacts to target species, project construction could result in temporary impacts to species that are not the beneficiaries of the restored tidal marsh. As such, the EIR should analyze the potential for the project to impact all sensitive species in the project area, and to identify all feasible mitigation if impacts to these species are found to be significant.

Another comment expressed concern that if new habitat for endangered species is created, Reclamation District operations could be negatively impacted.

Another comment expressed that the potential for bass to enter the restoration area is a possibility and suggested that this be studied. The comment also noted that there are currently fishes on Prospect Island, especially visible at night.

One comment stated that DWR should verify that the state objectives in the NOP are consistent with Delta Plan Policy ER R2, which calls for restoring habitats at appropriate elevations and in a manner consistent with Section III of the CDFW's *Draft Conservation Strategy for the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Region* (DFG 2011).

One comment stated that DWR should verify in its environmental analysis that the project is consistent with Delta Plan Policy EP P5 (23 CCR Section 5009), which states that the potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem. Another comment stated that the EIR should examine whether elements of the project would favor non-native fish with the Sacramento-San Joaquin River Delta.

One comment indicated that Delta Plan Recommendation ER R2 states that the project should ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed for the full life cycle of the species that will benefit from the restoration project. The comment also indicated that ER R2 recommends enhancing the ability of the Yolo Bypass to flood more frequently to provide more opportunities for migrating fish, especially Chinook salmon, to use this system as a migration corridor that is rich in cover and food.

One comment indicated that project-level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and stated that the project should coordinate with Caltrans in instances where DWR and

Caltrans programs share stewardship responsibilities for habitats, species, and/or migration routes.

One comment stated that the EIR should consider the project's potential to encourage the establishment or proliferation of aquatic invasive species such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. The comment indicated that these species could be brought in from construction boats and barges via biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the environmental analysis finds potential impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring hull cleaning from contractors.

One comment stated that the EIR should include a complete assessment of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. In addition, this comment urged planners to consider direct and indirect changes (temporary and permanent) that may occur with implementation of the project, including changes downstream of the project. This comment also stated that rare, threatened, and endangered species should be addressed according to CEQA Guidelines 15380.

One comment indicated that a California Endangered Species Act (CESA) permit is recommended if the project has the potential to result in take of species of plants or animals listed under CESA, and encouraged early consultation.

One comment indicated that because the project's intent is to create rearing habitat for endangered or threatened species, the EIR should consider the potential for additional safeguards to reduce the risk of harm from intake pumps used to divert surface water for irrigation on adjacent islands. The comment noted that some safeguards are costly or can interfere with pumping operations and stated that those issues should be addressed as well.

One comment expressed concern about beavers in the project area.

## **2.5. Collaboration, Consultation, Coordination**

One comment suggested that public transparency be included in the intentions of the project, and reflected that some members of the community are concerned about the potential link between the Prospect Island project and other DWR initiatives such as the Peripheral Canal proposal. Clear communications about the project and its link to other projects could increase public support.

A comment noted that the Central Valley Flood Protection Board (CVFPB) is responsible for flood safety within California's Central Valley and maintains the integrity of existing flood control systems, regulated streams and designated floodways through its regulatory authority, and has provided assurances to the U.S. Army Corps of Engineers (USACE) to operate and maintain federal-state facilities of the State Plan of Flood Control, including Miner Slough and the east levee of the Sacramento Deep Water Ship Channel. CVFPB has assigned the operations and maintenance responsibility of Miner Slough and project levees along Miner Slough and the DWSC to Reclamation District 501. The comment stated that a permit is required prior to any work defined under California Code of Regulations, Title 23, Section 6, because those facilities could be impacted by the project.

A comment noted that the project could be a “covered action” under the Delta Reform Act, established as a certification process for compliance with the Delta Plan, in which case DWR must certify that the covered action is consistent with the Delta Plan and must file a certificate of consistency with the Delta Stewardship Council (DSC) that includes detailed findings. The comment noted that not all actions that occur in whole or in part in the Delta are covered actions, but specified that the definition of a covered action is provided in California Water Code Section 85057.5(a). The comment stated that project staff should engage in early consultation with DSC staff to determine whether the project is a covered action.

One comment stated that DWR and CDFW should adhere to the policy set forth in the FRPA Implementation Plan to develop an adaptive management plan consistent with the framework described in the Delta Plan in the environmental analysis and evaluation of alternatives. In addition, one comment stated that Delta Policy G P1 (23 CCR Section 5002) specifies what must be addressed in a Certification of Consistency filed by a state or local public agency with regard to a covered action, and stated that all covered actions need to document the use of best available science.

One comment noted that ecosystem restoration covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management, satisfied through an adaptive management plan that describes the approach to be taken, consistent with the adaptive management framework in the Delta Plan regulations.

One comment indicated that the Port of Sacramento may require the Prospect Island property as mitigation acreage for the Deep Water Ship Channel deepening project. The comment noted that the Port would like to coordinate with DWR to ensure that the habitat project is consistent with USACE mitigation requirements related to dredging, as well as coordinate on any planning, design, or construction activities related to the project, in order to mitigate impacts to navigation of the channel.

## **2.6. Cultural Resources**

One comment stated that the cultural resource assessment that has already been prepared for the property should be further discussed in the EIR and that the findings of this assessment be attached as an appendix to the EIR, excluding or redacting confidential sensitive site information as appropriate.

One comment stated that the EIR should evaluate potential impacts to submerged cultural resources in the project area. The California State Lands Commission (CSLC) maintains a shipwrecks database that can assist with the analysis, and the comment stated that DWR should contact CSLC to obtain shipwrecks data from the database, as submerged archaeological sites or submerged historic resources that have remained in State waters for more than 50 years are presumed to be significant.

One comment stated that the EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC.

## **2.7. Geology and Soils**

One comment indicated that the north levee of Prospect Island and the southeast levee on Little Holland are limited height levees, and the project would need to follow the height specifications

of these and other project levees. In addition, the comment indicated that all levees need to have protection against water and wave action on both the water and land sides.

One comment expressed that the project should protect the Prospect Island levees to enable other levees to protect neighboring properties from wave effects of to the prevailing west wind.

Two comments observed that in the past when Prospect Island has been inundated, Ryer Island also usually becomes saturated, purportedly due to the presence of horizontal sand lenses that run beneath both islands. As a result, the comments stated that the EIR should examine the geologic and hydrologic structure of Prospect Island, identify potential linkages with surrounding areas with shared sand lenses, and consider the effects that permanent flooding of Prospect Island would have on surrounding areas, in an effort to decrease the potential for increase of overall head pressure on sand lenses and avoid greater soil saturation and groundwater seepage on Ryer Island.

Another comment addressed the potential for seepage with excavation of channels, and stated that the results of the Ryer Island seepage analysis and any hydraulic influences for Prospect Island should be included in the environmental analysis.

One comment stated that the EIR should include an analysis of the off-site source locations for the sediment to be imported to the project site.

One comment expressed a concern about the potential increase of sedimentation and erosion within the Sacramento River Bank Protection Project. The comment stated that impacts on maintenance work (including erosion, vegetation management, and sediment removal; and associated financial costs) should be addressed under the cumulative effects analysis for the project. The comment also stated that mitigation measures and project design alternatives should avoid potential adverse impacts to the facilities and design flood carrying capacities of the project.

One comment indicated that since the proposed project is in the Sacramento-San Joaquin River Delta, sediment quality and suitability should be tested. The comment stated that the EIR should include avoidance and mitigation measures to reduce potential release of mercury/methylmercury and other toxins from project activities into waterways and onto state lands underlying those waterways.

## **2.8. Hydrology and Water Quality**

The primary concerns that commenters expressed during the scoping period were related to hydrology. Comments stated that any significant impacts to water quality should be identified in the environmental documentation.

One comment indicated that because the Central Valley Regional Water Quality Control Board (CVRWQCB) identified the CSLC as a nonpoint source discharger of methylmercury, any action taken that might result in mercury/methylmercury suspension within the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB's Total Maximum Daily Load.

These comments states that the effects of flood events on water levels and water rising and draining in the case of flood events should be studied. Several comments raised concern about trapping tidal water on the island in cases of tidal fluctuations, and would like water to move with tidal fluctuations rather than having Prospect Island serve as a water storage site.

One comment indicated that some project-level activities may affect riparian flow patterns upstream of bridges, trestles, culverts, or other structures for which Caltrans hold responsibility, and as a result, the EIR should include hydrological studies to determine whether such impacts will occur and identify appropriate mitigation measures.

Several comments stated that the project should reduce, or at least not increase, flood risk.

One comment stated that the DEIR should examine the circumstances under which Prospect Island would flood, and the water depths needed for flooding parts of Prospect Island that have varying depths.

One comment expressed concern about the quality of water entering reclamation ditches, and stated that the effects of stagnant water on reclamation ditches should be studied.

A comment stated that potential changes in Delta salinity and increased seawater intrusion should be examined in the EIR to ensure that appropriate avoidance or mitigation measures are developed if necessary. This comment indicated that hydrodynamic modeling has shown that tidal marsh restoration in the Delta has the potential to increase seawater intrusion into the Delta. Other potential impacts that the comment stated should be evaluated in the EIR include: changes in salinity at drinking water intakes in the Delta, including bromide and chloride concentrations and other increases in salinity that could “otherwise substantially degrade water quality” in the absence of standards violations (per California Code of Regulations, Division 6, Chapter 3, Article 20, Appendix G); changes in compliance with water quality objectives set by the State Water Resource Control Board’s Decision 1641; changes in the position of the 2 parts per thousand isohaline on the Sacramento River (X2 position); and changes in upstream reservoir releases needed to meet water quality objectives.

One comment stated that the project should avoid lowering water quality or water levels during irrigation season.

Another comment stated that the EIR should evaluate the feasibility of designing operable overflow weirs that can limit the number of Prospect Island flood events and have a positive flood effect by flooding the Island in the instance of high water with high tides, as the controlled flooding of Prospect Island can lower water elevation during flood flows and high tides.

One comment indicated that the project may require a Lakebed and Streambed Alteration Agreement, pursuant to CDFW Code Section 1600 for project activities within or near Miner Slough and the Sacramento Deep Water Ship Channel that will: divert or obstruct the natural flow; change the bed, channel or bank including associated riparian or wetland/marsh resources; use material from the stream/channel bed; or substantially adversely affect fish and wildlife resources.

A similar comment indicated that consideration should be made early on to provide maximum flexibility to sustain the project area’s primary flood control purpose and avoid adverse cumulative impacts to facilities of the State Plan of Flood Control and the Sacramento River Flood Control Project. It was stated that any activity that encroaches on Miner Slough or the east levee of the Deep Water Ship Channel should not adversely impact flood system integrity, conveyance, design water surface elevation, or operations and maintenance.

Several comments stated that the potential for scouring damage to neighboring levees should be studied in the EIR. Two comments expressed concern about the potential for scour effects caused by changed diversion and pumping practices on a restored wetland (i.e., Prospect

Island) and stated that the EIR should also examine the scour effects that could be caused by potential levee breaches, changes in surface water flow related to the location, method, and quantity of surface water diversions, as well as the location, method and quantity of surface water releases from Prospect Island into the surrounding waterways. Other comments stated that the EIR should consider how scour effects will be impacted under a variety of river conditions such as high flows from upstream reservoir releases, and how a rise in river level from upstream reservoir releases will be monitored and managed to prevent scouring of surrounding levees.

One comment expressed concern about how diversions of surface water onto and return flows from Prospect Island will be monitored and managed, as surface water diversions are subject to restrictions in time, quantity, and location, according to water rights.

One comment stated that the EIR should study the effects of water transfers involving Delta water supply and of altering existing flow patterns due to levee breaches on local water salinity level. The comment stated that the EIR should also incorporate continued monitoring of local water salinity levels, with respect to the changes incurred from proposed levee breaches under current and future conditions as a result of cross-regional water transfer agreements.

One comment stated that the EIR should consider Delta Plan Recommendation WQ R1 (stating that water quality in the Delta should be maintained at a level that supports, enhances, and protects beneficial uses identified in the applicable State Water Resources Control Board or regional water quality control board water quality control plans).

One comment raised a concern about the potential adverse effects of the project on adjacent land, such as increases in Ryer Island groundwater levels, increased scour on the Ryer Island Miner Slough levee, and increased flood risk. The comment stated that the EIR should address these concerns in a manner consistent with Delta Plan Policy P2 (23 CCR Section 5011).

## **2.9. Land Use/Planning**

One comment indicated that the use of Prospect Island as a wetland habitat involves different use of water as compared to its historic agricultural activities, and stated that the EIR should consider how use of water on Prospect Island will be monitored and managed to ensure that consumptive use remains within the limit of existing Prospect Island water rights, and that the interests of other water rights holders are not injured.

One comment indicated that because the project is located entirely on public land, it is consistent with the part of Delta Plan Policy DP P2, which calls for ecosystem restoration plans to pursue sites on existing public lands before purchasing privately owned sites.

One comment indicated that the California State Lands Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable waterways, as well as certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the projects of the Common Law Public Trust.

One comment indicated that the portion of the project in Miner Slough is located on lands under the jurisdiction of the California State Lands Commission (CSLC). As a result, a lease from CSLC will be required and the comment stated that the environmental review should determine the extent or location of the project on CSLC lands and if needed, submit detailed maps and/or



engineering designs to CSLC to determine the exact components of the project that will require a lease.

#### **2.10. Noise**

One comment stated that the EIR should evaluate noise and vibration impacts on fish and birds from construction, restoration, or flood control activities in the water, on the levees, and for land-side supporting structures. The EIR should describe weir installation in detail and evaluate whether any activities necessary for the weir installation could generate noise and underwater acoustic impacts that could affect species in the project vicinity. The comment indicated that mitigation measures could include species-specific periods when work would not negatively impact species, as defined by CDFW, USFWS, and NMFS.

#### **2.11. Operations and Maintenance**

One comment stated that levee maintenance and operations (e.g., levee patrols in high water events) should have an agency assigned to the task as well as dedicated long-term funding.

Two comments stated that the EIR should address the perpetual, ongoing maintenance of the Prospect Island levees that will not be breached, identify where responsibility for maintenance rests, and describe approaches for conducting maintenance in light of potentially flooded and ecologically sensitive surroundings, given that Prospect Island levees are critical to providing fetch length across the water and provide protection for surrounding area levees.

#### **2.12. Permitting and Enforcement**

One comment pointed out that waterways involved in the project are subject to a public navigational easement, which provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on state waters that are capable of being physically navigated by oar or motor-propelled small craft. The activities completed under the project must not restrict or impede the easement right of the public.

#### **2.13. Public Services**

One comment indicated that the Delta “as place” should be protected, and that the project should contribute to protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta, as well as enhance opportunities for visitor-serving businesses according to Delta Plan Recommendation DP R17.

#### **2.14. Recreation**

One comment addressed the potential for Prospect Island to be accessible and navigable by boat and expressed concern about the associated potential for increased recreation access by duck hunters.

One comment indicated that Delta Plan Recommendation DP R11 calls for water management and ecosystem restoration agencies to provide recreation opportunities, including visitor-serving business opportunities, at new facilities and habitat areas whenever feasible. This same comment indicated that Recommendation DP R14 calls on the CDFW, in cooperation with other public agencies, to collaborate with nonprofits, private landowners, and business partners to expand wildlife viewing, angling and hunting opportunities; and that Recommendation DP R16

states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.

One comment stated that the scope of the EIR should be expanded to include other recreational activities beyond hunting and fishing that are considered public trust uses or values, such as kayaking, boating, bird watching, swimming, and others. The comment also stated that during construction, public notification measures should be implemented to notify the public of possible closures to the Sacramento-San Joaquin River Delta and identify alternate access points for use areas with appropriate rerouting directions.

## **2.15. Transportation/Traffic**

One comment also indicated that activities involving demolition, reinforcement, or rehabilitation of dikes or levees on which transportation facilities are built may potentially affect state transportation facilities. Built features on top of dikes and levees may contribute additional engineering considerations related to weight loading or compaction, and the comment stated that these factors should be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans at the project level.

One comment indicated that any work or traffic control that encroaches on the State Right of Way requires an encroachment permit that is issued by Caltrans, and that traffic-related mitigation measures should be evaluated in the environmental review process and incorporated into the construction plans prior to the encroachment permit process.

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*No comments were received that pertained directly to Agricultural Resources, Utilities/Service Systems, Population and Housing, Mineral Resources, or Hazards and Hazardous Materials.*

### 3. COMMENTERS

Agencies, organizations, and individuals providing oral or written scoping comments are listed in the tables below. Table 3.1. lists those individuals who provided oral comments during the scoping meeting. Table 3.2. lists the agencies and organizations that provided written comments during the scoping period outside of the scoping meeting. Written comments received are included in Appendix C. The transcript of the scoping meeting is also included in Appendix C.

**Table 3.1. Oral Comments Received During Scoping Meeting**

| <b>Oral Comments Received During Scoping Meeting<br/>in West Sacramento, California, June 10, 2013</b> |  |
|--|--|
| <b>Name</b>  | <b>Affiliation</b>                     |
| Dave Stringer  | Individual                             |
| Tom Hester   | Individual - Ryer Island, Incorporated |
| John and Kathy Brimmer   | Individuals - Ryer Island Ranch        |

**Table 3.2. Written Comments Received During the Scoping Period**

| <b>Comments Received During Scoping</b>      |                     |                             |
|--|---------------------|-----------------------------|
| <b>Agency/Affiliation</b>                    | <b>Name</b>         | <b>Type of Organization</b> |
| California Department of Fish & Wildlife     | Scott Wilson        | State Agency                |
| Central Valley Flood Protection Board        | Jay S. Punia        | State Agency                |
| Delta Stewardship Council                    | Cindy Messer        | State Agency                |
| California State Lands Commission            | Cy R. Oggins        | State Agency                |
| California Department of Transportation      | Erik Alm            | State Agency                |
| Contra Costa Water Agency                    | Leah Orloff         | Local Agency                |
| <i>On behalf of</i> Reclamation District 501 | Hanson Bridgett LLP | Local Agency                |
| Reclamation District 999                     | John Webber         | Local Agency                |
| Port of Sacramento                           | Rick Toft           | Local Agency                |
| <i>On behalf of</i> Islands Inc.             | Hanson Bridgett LLP | Organization                |

**APPENDIX A: MEETING NOTICE MATERIALS**

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- Notice of Preparation
- Display Advertisement (from Sacramento Bee and Rio Vista Beacon)
- Notification Email to the FRPA Listserv (5/20)
- State Clearinghouse Summary of Postings

## NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

TO: Agencies and Interested Parties  
FROM: California Department of Water Resources  
DATE: **May 17, 2013**  
SUBJECT: Announcement of:

- 1) Notice of Preparation of an Environmental Impact Report on the Prospect Island Tidal Habitat Restoration Project
- 2) Public Scoping meeting to be held on **Monday June 10, 2013**
- 3) Scoping comments due by **June 21, 2013**

LEAD AGENCY: California Department of Water Resources (DWR)  
PROJECT NAME: Prospect Island Tidal Habitat Restoration Project  
PROJECT AREA: Prospect Island (Sacramento - San Joaquin River Delta)

The Department of Water Resources (DWR), lead agency implementing the California Environmental Quality Act (CEQA) (Public Resources Code Section 2100 et seq.), will prepare an Environmental Impact Report (EIR) for the Prospect Island Tidal Habitat Restoration Project. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use this EIR when considering your permit or other approvals for the project. We are also seeking input from the public on the scope and content of the EIR.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

Due to time limits mandated by State law, your response must be submitted at the earliest possible date, but **no later than June 21, 2013**. We will need the name of a contact person in your agency. Please send your response to

**Dan Riordan**

**Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236**

**Fax: 916-376-9688, Email: [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)**

May 17, 2013

Date



Dean F. Messer  
Chief, Division of Environmental Services  
California Department of Water Resources  
(916) 376-9700

# **NOTICE OF PREPARATION for the Prospect Island Tidal Habitat Restoration Project Environmental Impact Report**

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## **INTRODUCTION**

The Department of Water Resources (DWR) will prepare an Environmental Impact Report (EIR) for the Prospect Island Restoration Project (project) in Solano County, California. The EIR will be prepared in compliance with the California Environmental Quality Act (CEQA)(Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000-15387), as amended. DWR will be the lead agency under CEQA. In accordance with CEQA, the lead agency is responsible for the scope, content, and legal adequacy of the document. The EIR will evaluate the environmental effects of implementing a plan to restore tidal freshwater emergent marsh wetland and open water habitats on Prospect Island. The project description, location, and anticipated environmental issues are presented below.

**Purpose of the Notice of Preparation:** The purpose of a notice of preparation (NOP) is to notify responsible and trustee agencies, Federal agencies involved in approving or funding a project, and interested parties that an EIR will be prepared.

The NOP is an important step in the environmental scoping process, which is designed to determine the range of issues to be addressed in the EIR. The objectives of scoping include:

- Ensuring agency and public involvement in the environmental review process,
- Determining which specific impacts must be evaluated in the EIR,
- Establishing a reasonable range of alternatives, and
- Identifying the scope of issues that must be discussed in order to adequately and accurately address the potential impacts of the project as they relate to permitting and approval authority.

The Draft EIR (DEIR) will incorporate public concerns associated with the project and associated project alternatives, and will be sent out for a 45-day public review period, during which time both written and verbal comments regarding the adequacy of the document will be solicited.

The Final EIR (FEIR) will address the comments received on the DEIR during the public review period. The FEIR will be furnished to all who commented on the DEIR, and made available to anyone who requests a copy during the public comment period. The draft and final EIRs must: (1) provide a full and fair discussion of the project's significant environmental impacts, and (2) inform decision-makers and the public of the feasibility and potential impacts of a reasonable range of alternatives that could avoid or minimize adverse impacts.

The final step in the CEQA process for the EIR is certification of the FEIR and adoption of a series of Findings and a Mitigation Monitoring and Reporting Plan. A certified EIR indicates that the environmental document has been completed in compliance with CEQA. The CEQA Findings indicate that the decision-making body of the lead agency reviewed and considered the FEIR prior to approving the project, and that the FEIR reflects the lead agency's independent judgment and analysis.

## **Project Location**

The Prospect Island Tidal Habitat Restoration Project site is an approximately 1600-acre property located in Solano County, in the northern portion of the Sacramento - San Joaquin River Delta (see Figure 1). Prospect Island falls under two ownerships: the majority of the island (northern 1,300 acres) is owned by DWR, and the southern, 300-acre portion is owned by the Port of West Sacramento (Port). Prospect Island is located immediately east of, and technically is still an element of, the southern end of the Yolo Bypass. The Island became separated from the Bypass with construction of the Sacramento Deep Water Ship Channel (DWSC) in the 1960s. The site is bounded on the east by Miner Slough, on the west by the DWSC, on the south by the confluence of the DWSC and Miner Slough, and on the north by an east-west levee that runs from Arrowhead Harbor to the DWSC.

## **Project Objectives**

The project is intended to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR, contained within the Reasonable and Prudent Alternative (RPA) of the U.S. Fish and Wildlife Service Delta Smelt Biological Opinion (USFWS 2008) and referenced in the National Marine Fisheries Service Salmonid Biological Opinion (NMFS 2009), for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP). The project also could serve as partial habitat fulfillment of tidal restoration objectives under the proposed Bay Delta Conservation Plan (BDCP), upon its approval.

The objectives of the wetlands restoration at Prospect Island, in meeting the tidal restoration obligations described above, are to:

- 1) Enhance primary and secondary productivity and food availability for native fishes within Prospect Island and surrounding Delta waterways;
- 2) Increase the quantity and quality of salmonid rearing habitat within and in the areas surrounding Prospect Island;
- 3) Increase the amount and quality of habitats to support other listed species, to the extent they can be supported by site conditions and natural processes;
- 4) Provide other ecosystem benefits associated with increased Delta freshwater tidal marsh habitat, including water quality enhancement, recreation, and carbon sequestration;
- 5) To the greatest extent practical, promote habitat resiliency to changes in future Delta conditions, such as land use conversions, climate change, sea level rise, and invasive species; and

- 6) Avoid promoting conditions adverse to project biological objectives, such as those which would favor establishment or spread of invasive exotic species.

## PROJECT DESCRIPTION

### Background

Historically, the project area was tidal marshland, with Prospect Slough to the west and north, and Miner Slough to the east and south. Levees were constructed during the later 19<sup>th</sup> century and the land was converted to agricultural uses. Prospect Island is part of the Yolo Bypass floodplain; however construction of the DWSC in the 1960s isolated Prospect Island from the main reach of the Yolo Bypass.

The 1,300-acre northern portion of Prospect Island was purchased by the U.S. Bureau of Reclamation (USBR) in 1994 to be part of a proposed North Delta National Wildlife Refuge. Agriculture on the island ceased, but efforts to establish a refuge were not successful. Without near-term implementation of a restoration project that had been planned by the USACE and DWR, USBR initiated the process to transfer or sell the island to another entity. DWR acquired the northern portion of Prospect Island from USBR in January 2010. The DWR land is currently inundated, due to a broken flap gate which allows limited water exchange between Prospect Island and Miner Slough.

The southern, Port-owned portion of Prospect Island is subject to a greater, yet still limited, tidal exchange through a levee breach that was repaired with very large rock (about 3- to 5-foot diameter), and remains permeable but not navigable. The internal cross levee that separates the two parcels is currently intact.

### Proposed Restoration Actions

The project would entail restoration of emergent wetlands and subtidal habitats on both properties comprising the approximately 1600-acre Prospect Island. The EIR will evaluate individual and cumulative impacts of up to five alternatives, as well as the 'no project' alternative, in accordance with CEQA. These alternatives have not yet been defined.

The design elements from which restoration alternatives will be developed are illustrated in Figure 2, and include the following. Individual alternatives may draw upon some or all of these design elements:

- 1) Breaching of perimeter levees in one or more locations on Miner Slough and/or breaching into the California Department of Fish and Wildlife Miner Slough Wildlife Area, for the purpose of restoring tidal connectivity;
- 2) Breaching of the cross levee between the northern DWR and southern Port properties, for the purpose of promoting target ecological functions;
- 3) Installation of a fixed or variable-height weir at the northeastern corner of the project site, for the purpose of providing winter high-flow connectivity to Miner Slough and upstream sloughs that connect to the Sacramento River;



- 4) Excavation of subtidal-elevation tidal slough channels within Prospect Island, for the purpose of facilitating internal tidal circulation and external connectivity;
- 5) Placement of the soils excavated in creation of internal subtidal channels to locations elsewhere within Prospect Island, for the purpose of raising subsided site elevations and/or for improving erosion protection of levees retained on the site;
- 6) Import of clean, suitable sediment from off-site sources, for the purpose of raising subsided site elevations, and/or for improving erosion protection of levees retained on the site;
- 7) Provision of physical access to adjacent properties currently accessed via existing Prospect Island levees.

## **PROPOSED SCOPE OF EIR**

The EIR will analyze, describe, and evaluate all potential environmental impacts of the range of alternatives presented in the document. Individual and cumulative impacts, to be identified following completion of the scoping comment period, in accordance with CEQA, will be evaluated. The range of alternatives may be refined, revised, or expanded as a result of the scoping process.

For each issue listed below, the EIR will include a discussion of the parameters used in evaluating impacts; potential impacts from the various alternatives; and, if applicable, recommended mitigation to reduce the impacts to below a level of significance. Impact analyses will include discussion of direct and indirect impacts, short and long-term impacts, and cumulative impacts. In addition, each impact discussion will identify any areas of known controversy. Finally, the EIR will identify any unavoidable adverse impacts that would result from project implementation.

The issues presented below are preliminary in both scope and topic. Additional issues may be identified during the scoping process.

### **Air Quality and Greenhouse Gas**

The EIR will evaluate potential effects that the proposed project could have on short-term air quality including greenhouse gases (GHGs) due to emissions resulting from construction operations including earthmoving, dredging, and/or filling and from post-construction adaptive management activities.

### **Agricultural Resources**

Although the project site has been flooded for a number of years, the project will remove agriculturally mapped lands from future agricultural use. The EIR will describe site soils, the history of agricultural uses and flooding on the site, its land type mapping by the California Department of Conservation, and assess any project effects on loss of agricultural resources, including any prime agricultural soils and Williamson Act issues.

## Biological Resources

### *Aquatic Biological Resources*

One of the primary objectives of the Prospect Island Tidal Habitat Restoration Project is to enhance rearing habitat, foraging habitat, and food availability for native fishes. By increasing tidal open water and edge habitats, tidal circulation, and aquatic productivity, the proposed project is expected to benefit Chinook salmon, steelhead, delta smelt, green sturgeon, Sacramento splittail, and other Delta-dependent aquatic species. However, the EIR will evaluate potential effects on existing habitat for listed fish species that could result from breaching Prospect Island levees, and whether conditions that may be harmful to these listed species could develop within portions of the restored habitat.

### *Wetland Biological Resources*

A key secondary objective of the Prospect Island Habitat Tidal Restoration Project is to enhance tidal marsh habitats to support a wide range of native wetland plant and wildlife species including special status species. The EIR will evaluate the potential effects of breaching of levees, creation of tidal slough channels, and placement of fill on freshwater tidal emergent marsh, and subtidal open water aquatic habitats, including submerged aquatic vegetation.

### *Terrestrial Biological Resources*

As part of the project design, the (already limited) amount of upland terrestrial habitat and aquatic-terrestrial transitional habitat, including riparian forest and riparian scrub-shrub habitat, may be reduced. The EIR will evaluate the potential for detrimental impacts to special-status terrestrial and avian species, including species that use riparian habitats.

## Cultural Resources

A cultural resources assessment has been prepared for the property (Parus Consulting, April 2012). No site resources were found to be eligible for the National Register of Historic Places. In addition, due to the substantial ground disturbance that has previously occurred on the site, no impacts are anticipated, therefore no additional study is proposed in the EIR.

## Geology and Soils

Potential geologic impacts could include erosion during and/or after construction resulting from proposed levee reconfiguration and breaching, slough channel excavation, or soil placement. The EIR will consider existing and reconfigured perimeter levee stability, and existing and modified island soil stability.

## **Hazards and Hazardous Materials**

The EIR will address potential site contamination issues associated with project construction activities, and based on a Phase I Environmental Site Assessment (ASTM E1527-05) to be conducted in support of the project. Potential hazards to boaters, if any, will be evaluated.

## **Hydrology and Water Quality**

The EIR will evaluate potential project effects on hydrology, including changes in local Delta hydrodynamics, tidal ranges, and the flood conveyance capacities of Miner Slough and the Yolo Bypass, as well as potential for breach-induced crosscurrents in the DWSC or Miner Slough, potential scour effects to on-site levees or the Ryer Island Miner Slough levee, and potential effects on Ryer Island groundwater levels.

The EIR will evaluate potential short-term water quality effects during construction through the release of turbidity and sediment-borne contaminants introduced by re-suspension of bottom sediments, and the release of sediments excavated and emplaced as part of planned levee breaches and other reconfigurations. Potential short-term effects of accidental releases of fuel, lubricants, and other materials used by construction equipment will be evaluated.

The EIR will evaluate long-term effects on water quality that could result from hydraulic exchanges of water from the Prospect Island site to the surrounding waterways, potentially affecting the transport of turbidity, sediment-borne contaminants, and methylmercury, and changes in disinfection byproduct formation potential in potable water supplies due to natural organic matter and dissolved organic carbon (DOC) sources within Prospect Island.

## **Recreation**

The EIR will evaluate potential project impacts to recreational use of the Arrowhead Harbor and to hunting and fishing activities along Miner Slough and the DWSC.

## **Aesthetics**

The EIR will evaluate potential effects of the various project components on the aesthetic character of the project site.

## **Land Use/Planning**

The EIR will evaluate the project's conformance with Solano County and other applicable land use plans and policies, and with adjacent land uses.

## **Mineral Resources**

The EIR will determine if the project may affect mineral and gas rights over, under, or across the property held by third party entities.

## **Noise**

The EIR will evaluate the potential for temporary noise effects that may result from project construction, with respect to property owners occupying housing adjacent to Prospect Island, on Ryer Island, and users of Arrowhead Harbor.

## **Public Services**

The EIR will evaluate the potential for changes in demand on local police and fire protection services or other public facilities, if any.

## **Population and Housing**

The EIR will evaluate the potential for changes in population or housing, if any.

## **Transportation/Traffic**

The EIR will evaluate potential of the project to affect ingress/egress easements along the DWSC and/or Miner Slough levees as a result of transport of earth and other materials and equipment to and/or from the site, or of other construction or post-construction adaptive management activities.

## **Utilities/Service Systems**

The EIR will identify any potential effects of construction and operation of the project on utility infrastructure.

## SCOPING PROCESS

This NOP is being circulated for a 35-day comment period, beginning on May 17, 2013. Public participation in the environmental scoping process is an important step in determining the full range of issues to be addressed in the EIR. DWR requests your comments on the scope and content of the EIR, as outlined in this NOP.

Pursuant to CEQA Section 21080.4(a), responsible and trustee agencies are asked to provide, in writing, the scope and content of the environmental information that is germane to their statutory responsibilities, as these agencies will need to use the EIR prepared by DWR when considering permits or other approvals for the project. Responsible and trustee agencies are also requested to provide a list of the permits and/or other approvals that must be obtained in order to implement the project (see Table 1).

A formal scoping hearing has been scheduled for **Monday, June 10, 2013, from 7:00 PM to 9:00 PM at the City of West Sacramento Community Center Community Room, 1075 West Capitol Avenue, West Sacramento, CA.**

Written or oral comments can be provided at the public scoping meeting below, or written comments may also be provided directly to Dan Riordan at DWR **no later than June 21, 2013.**

**Dan Riordan**  
**Department of Water Resources**  
**P.O. Box 942836**  
**Sacramento, CA 94236**  
**Tel: (916) 376-9738**  
**Fax: 916-376-9688**  
**Email: [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)**

**Table 1: Potential Agency Actions and Approvals**

The following actions and approvals are anticipated to be required.

| REGULATION                                    | AGENCY  | TRIGGER   | COMPLIANCE MECHANISM  |
|---|---|---|---|
| Section 404, Clean Water Act                  | Sacramento District, US Army Corps of Engineers (USACE)             | Discharge of dredge or fill material into Waters of the U.S.  | Individual Permit, Letter of Permission (LOP), or Nationwide Permit (NWP)                       |
| Section 10, Rivers and Harbors Act            | Sacramento District, USACE  | Work in, under, or over a navigable water of the U.S.   | Individual Permit, LOP, or NWP  |
| Section 401, CWA                              | Central Valley Regional Water Quality Control Board (CVRWQCB)       | Federal action that has the potential to result in a discharge to waters of the State   | Water Quality Certification   |
| Porter-Cologne Water Quality Control Act      | CVRWQCB   | Action that has the potential to result in a discharge to waters of the State, including surface or ground waters   | Waste Discharge Requirements, typically folded into the Section 401 Water Quality Certification |
| Section 303(d), CWA, Delta Methylmercury TMDL | CVRWQCB   | Action that has potential to result in discharge of methylmercury to Delta waters   | Control Study   |
| Section 402, CWA                              | CVRWQCB   | Construction-related activities that disturb 1 or more acres  | Permit Registration Documents   |
| Title 23 CCR, Division 1                      | Central Valley Flood Protection Board                               | Projects that involve construction, enlargement, revetment, or alteration of any levee, embankment, canal, or bed of any drainage within the Sacramento or San Joaquin River watersheds, or on any land adjacent to or within the overflow basins of such drainages | Encroachment Permit   |
| Section 1602 et. seq., FGC                    | California Department of Fish and Wildlife (CDFW), Bay-Delta Region | Activity that may substantially modify a river, stream or lakebed   | Streambed Alteration Agreement  |
| Delta Reform Act                              | Delta Stewardship Council   | Projects that are carried out, approved, or funded by a state or local agency; that occur within the boundaries of the Delta or Suisun Marsh; and that are covered by one or more provisions of the Delta Plan, including habitat restoration actions               | Consistency Determination   |

| REGULATION   | AGENCY   | TRIGGER  | COMPLIANCE MECHANISM  |
|--|--|--|---|
| Federal Endangered Species Act                           | US Fish and Wildlife Service (USFWS), Sacramento Office; National Marine Fisheries Service (NMFS), Sacramento Office | Federal action that may affect a federally-listed species or result in destruction or adverse modification of their critical habitat | ESA compliance documents; e.g., Biological Opinion(s) or Not Likely to Adversely Affect determination(s).               |
| Magnuson-Stevens Fishery Conservation and Management Act | NMFS, Sacramento Office  | Potential effects on Essential Fish Habitat (EFH)  | EFH Conservation Recommendations  |
| Migratory Bird Treaty Act                                | USFWS, Migratory Bird Division   | Take of any migratory bird, or collection of any part, nest, or eggs of a migratory bird   | None  |
| California Endangered Species Act                        | CDFW, Bay-Delta Region   | Action that may affect state-listed plants or wildlife   | 2081(b) Permit: State-listed species;<br>2080.1 Consistency Determination: species that are State- and federally-listed |
| National Historic Preservation Act                       | State Historic Preservation Officer  | Federal action that may affect historic resources  | Varies  |
| California State Leasing and Permitting Regulations      | State Lands Commission   | Modification of sovereign lands of the State   | State Lands Lease Amendment   |
| Federal Navigation Regulations                           | US Coast Guard   | Work or operation in a navigable water that may affect the safe navigation of vessels  | Local Notice to Mariners  |

Figure 1. Prospect Island Tidal Habitat Restoration Project Location Map

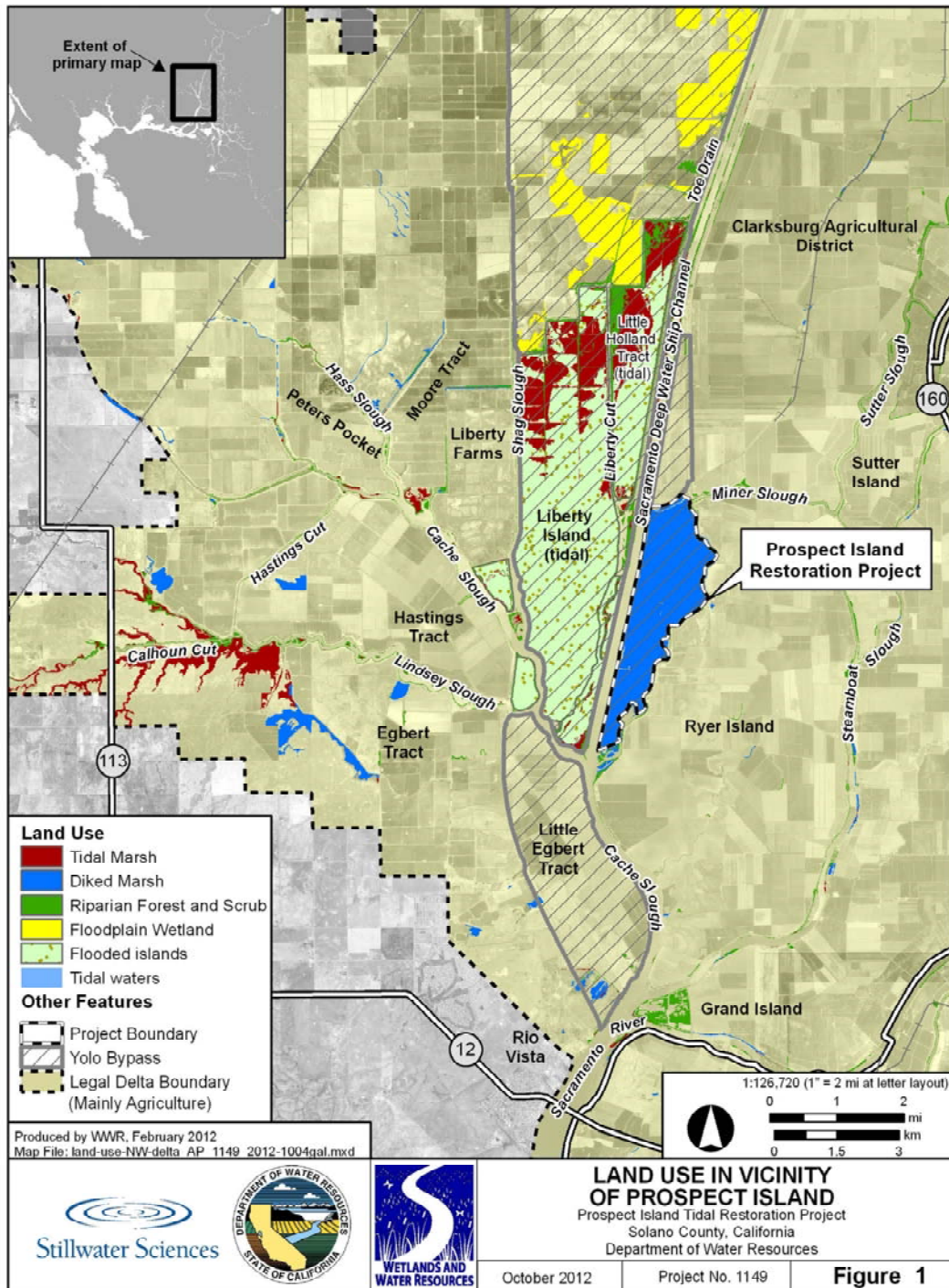
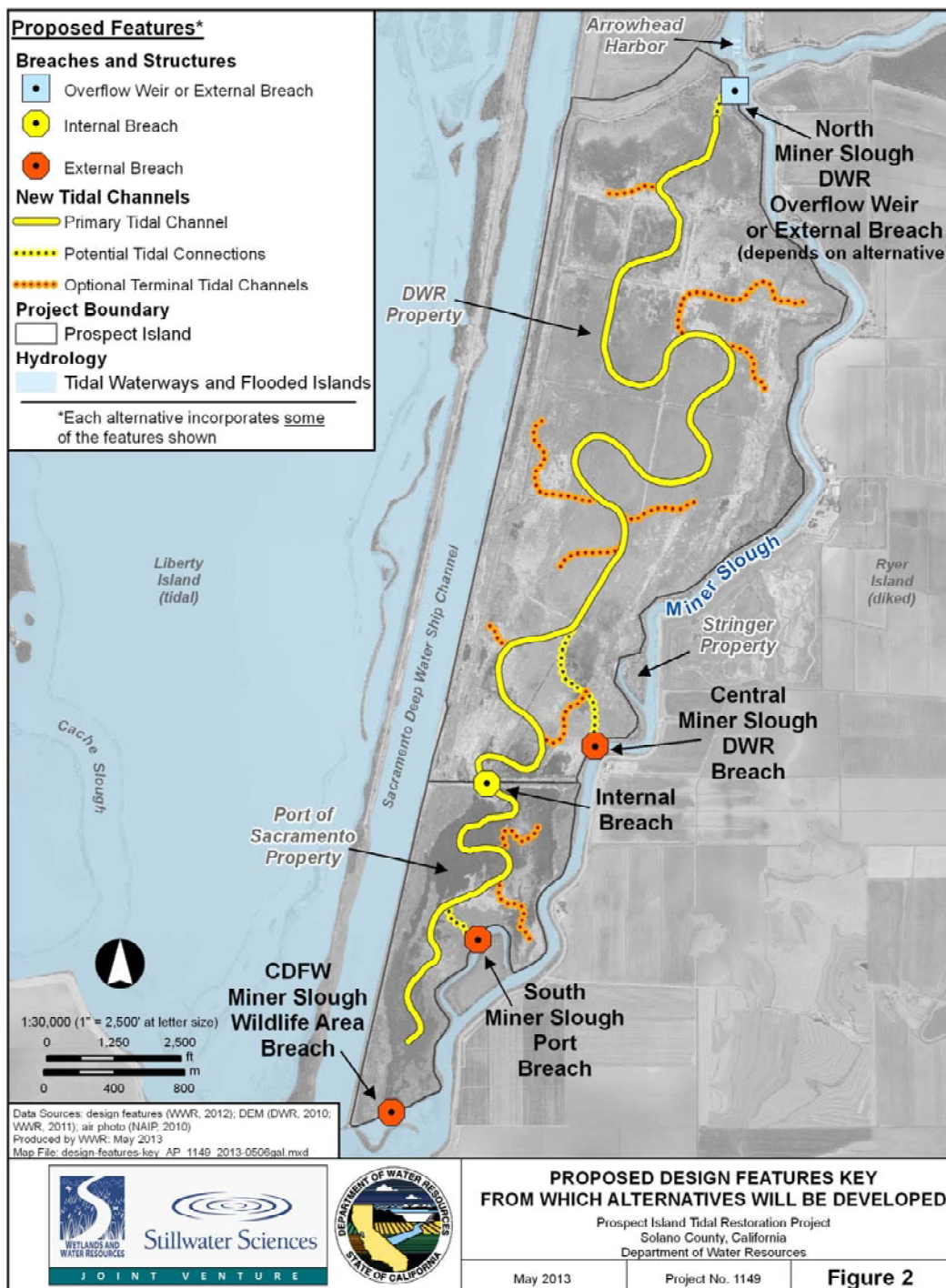




Figure 2. Prospect Island Restoration Design Elements



**ATTACHMENT NO. 1**

## Distribution List

**NOP DISTRIBUTION:**

This Notice of Preparation was sent to entities listed below.

**State of California**

- California Air Resources Board
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Parks and Recreation
- California Department of Food and Agriculture
- California Department of Toxic Substances Control
- California Department of Transportation, District 3
- California Department of Transportation, District 4
- California Natural Resources Agency
- California State Clearinghouse
- California State Coastal Conservancy
- California State Lands Commission
- California State Senator District 3 (Wolk)
- California State Assembly District 11 (Frazier)
- Central Valley Flood Protection Board
- State Water Resources Control Board
- Central Valley Regional Water Quality Control Board
- Delta Conservancy
- Delta Protection Commission
- Delta Stewardship Council
- University of California Natural Reserve System
- State Historic Preservation Office

**Federal**

- U.S. Environmental Protection Agency
- U. S. Army Corps of Engineers, Sacramento District
- U. S. Bureau of Reclamation
- U. S. Fish and Wildlife Service
- U.S. Coast Guard, Eleventh District
- National Marine Fisheries Service (National Oceanic and Atmospheric Administration Fisheries)
- USDA-Natural Resource Conservation Service (Dixon and Elk Grove Service Centers)
- Office of Historic Preservation
- Congressional Representative, District 3 (John Garamendi)
- Congressional Representative, District 5 (Mike Thompson)
- Office of Senator Dianne Feinstein, Sacramento Field Office
- Office of Senator Barbara Boxer, Sacramento Field Office

**Indian Tribes**

Cortina Wintun Band of Indians  
Cortina Wintun Environmental Protection Agency  
Wintu Tribe of Northern California  
Yocha Dehe Wintun Nation

**Local Agencies**

City of Rio Vista  
City of West Sacramento  
Contra Costa County Administrator  
Contra Costa County Water Agency  
Central Delta Water Agency  
North Delta Water Agency  
Sacramento County  
San Joaquin County Administrator  
Solano County Administrator  
Solano County Community Development Department  
Solano County Department of Resource Management  
Solano County Water Agency  
South Delta Water Agency  
State and Federal Contractors Water Agency  
Yolo County Administrator  
Yolo County Agricultural Commission  
Yolo County Counsels Office  
Yolo County Intergovernmental Affairs

**Public Districts**

Alameda County Resource Conservation District  
Association of Bay Area Governments  
Contra Costa Mosquito and Vector Control District  
Contra Costa Resource Conservation District  
Contra Costa Water District  
Dixon Resource Conservation District  
North Delta Conservancy  
Port of West Sacramento  
Reclamation District 150  
Reclamation District 307  
Reclamation District 501  
Reclamation District 900  
Reclamation District 999  
Reclamation District 2068  
Reclamation District 2098  
Sacramento Area Council of Governments  
Sacramento Yolo Port District

Sacramento Yolo Mosquito and Vector Control District  
San Joaquin Mosquito Abatement District  
Solano County Mosquito Control District  
Solano Resource Conservation District  
Suisun Resource Conservation District  
Westlands Water District  
Yolo County Flood Control and Water Conservation District  
Yolo Resource Conservation District  
Yolo-Solano Air Quality Management District

**Non-Governmental Organizations**

Allied Fishing Groups  
American Rivers  
AquAlliance  
Bar Pilots Association for San Francisco Bay and Delta  
CA Waterfowl Association  
California Sportfishing Protection Alliance  
California Water Alliance  
Center for Collaborative Policy CSUS  
Central Valley Habitat Joint Venture  
Defenders of Wildlife  
Delta Counties Coalition  
Discover the Delta  
Ducks Unlimited  
Environmental Defense Fund  
Environmental Water Caucus  
Farm Bureau Delta Caucus  
Friends of Swainson's Hawk  
Native American Heritage Commission  
Natural Heritage Institute  
Natural Resources Defense Council  
North Delta CARES  
Planning and Conservation League  
Restore the Delta  
Sierra Club- Mother Lode Chapter  
Solano County Farm Bureau  
Solano County Land Trust  
The Bay Institute  
The Nature Conservancy, Sacramento Office  
Trust for Public Land  
Yolo Basin Planning Forum  
Yolo County Farm Bureau  
Yolo County Heritage Foundation  
Yolo County Land Owners Association

Yolo Land Trust

**Adjacent Property Owners**

Brimmer, John & Kathy  
Fahn, Alexander & Shirley  
Fonss, John G  
Gladys Company, Inc.  
Hall, Jerry & Susan  
Islands, Inc  
Lewis Nixon Co.  
Nakahara, Craig  
Ryer Island Bird Farm, LLC  
Stringer, John & Lorraine  
Terminello, William

**Other Interested Parties**

AECOM  
Ann Burris  
AnnPatrick LLC  
Archer & Ficklin, Inc.  
Bill Eisenstein  
Bob Shaeffer  
BSK, Inc  
CDM  
Charles Tyson  
Chris Wilkinson  
Chuck Dalldorf  
Conaway Ranch  
Dan Ramos  
Dustin Smith  
Glen Holstein  
Glide In Ranch  
Greg Garriss  
Harris Ranch  
Herb & Lynell Pollock  
HRS  
James Patterson  
JB Environmental Communications  
Karen Medders  
Kearns & West  
Kent Brittan (UCD Emeritus)  
Kesner Flores  
M Stripling  
MWH

Ostrach Consulting  
Pacific Gas and Electric Company  
San Luis and Delta-Mendota Water Authority (Greg Zlotnick)  
T Rodrigues  
Tim Miramontes  
Tom Zuckerman  
Wildlands  
Yolo Flyway Farms  
Yolo Law

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East Wise Rd.  
in furn, some  
g wheel, solid  
a & 4 chairs,  
pcs) & many  
flectibles!

**COLN.** Estate  
uchard Lane  
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**TE SALE!**  
rs-Sun, 9a-5p  
clocks, head  
linen, washer  
much more!  
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lands 3612

**E Sat 9-3**  
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yr collection:  
ys, sports.  
Watt & I-80.

dova 3615

neighborhood  
n. Off Coloma  
for signs!

PM Toys,  
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NOON Tools,  
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2: 9am-5pm  
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only 8-2PM  
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anchland Wv

**URDAY 7AM-**  
rcycle gear,  
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oseville, Ca

**Community**  
at 8 & close  
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Dr., Rsvl.

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213

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**EI EVERY**  
mento Ave  
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**SPAS**, Pre Loved, excellent shapel 4 to  
choose from! \$995+ Call 530-852-2838

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Tomcat IK for \$695 & Rocky Mountain  
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Farm Equipment 4025

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is in and beautiful. Come see these big  
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at dragonflypeonyfarm.com Also, thank  
you to all of my customers, you have  
been wonderful. Julia dragonflypeony-  
farm@volcano.net 209-293-1242

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# Notices

Legal Notices 2005

**TO PUBLISH A LEGAL NOTICE**  
**IN THE SACRAMENTO BEE,**  
Call 916-321-1371,  
Fax 916-321-1110 or email  
legaladvertising@sacbee.com

**NO 572 Public Notice**  
Qing Yu 5016 Percheron Dr, Elk  
Grove, CA 95757 is doing business  
under the fictitious business name,  
QYU Stone Co. Same address as  
above. Filed in Sacramento County  
#FBNF2013-03772

Legal Notices 2005

**NO 635 Public Notice**  
Uniters North America, LLC a  
Delaware Limited Liability  
Company, 300 North Greene St.,  
#200, Greensboro, NC 27401 is  
doing business under the fictitious  
business name, Uniters. Same  
address as above. Filed in  
Sacramento County  
#FBNF2013-04109

\* **PRIVATE PARTIES \***  
Place your ad at your convenience  
from [www.sacbee.com/placeanad](http://www.sacbee.com/placeanad)

Legal Notices 2005

**NO 634 PUBLIC NOTICE**  
Notice Of Application To Sell Alcoholic  
Beverages. Filed May 28, 2013.  
To Whom It May Concern Kansai Ramen  
& Sushi House LLC is applying to the  
Department of Alcoholic Beverage  
Control to sell alcoholic beverages at  
2992 65th St, Ste 288, Sacramento,  
CA 95817. Lic. type: 41 - On-Sale Beer  
And Wine - Eating Place.

**BEE CLASSIFIED WORKS!**  
**CALL (916) 321-1234**

\* **PRIVATE PARTIES \***  
Place your ad at your convenience  
from [www.sacbee.com/placeanad](http://www.sacbee.com/placeanad)

NO 628 PUBLIC NOTICE

### NOTICE OF PUBLIC SCOPING MEETING FOR THE PROSPECT ISLAND TIDAL HABITAT RESTORATION PROJECT

The California Department of Water Resources (DWR) has published a Notice of Preparation for an Environmental Impact Report (EIR). DWR will prepare an EIR for the Prospect Island Restoration Project (project) in Solano County, California. DWR will be the lead agency under the California Environmental Quality Act (CEQA). In accordance with CEQA, the lead agency is responsible for the scope, content, and legal adequacy of the document. The EIR will evaluate the environmental effects of implementing a project to restore tidal freshwater emergent marsh wetland and open water habitats on Prospect Island.

The project, which is located in the northern portion of the Sacramento - San Joaquin River Delta in Solano County, would restore approximately 1600 acres of currently submerged non-tidal lands to tidal habitat. The project is intended to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR, as required by the U.S. Fish and Wildlife Service Delta Smelt Biological Opinion and referenced in the National Marine Fisheries Service Salmonid Biological Opinion, for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP).

DWR is seeking public input on alternatives, concerns, and issues to be addressed in the EIR through a public scoping meeting at the following location:

Date: June 10, 2013  
Time: 7:00-9:00 p.m.  
Location: City of West Sacramento Community Center  
Community Room 1075  
West Capitol Avenue, West Sacramento, CA

Comments on the scope and content of the EIR should be made in writing to DWR at the earliest possible date, but not later than June 21, 2013. Responses should be sent to:

Mr. Dan Riordan  
California Department of Water Resources  
Office of Environmental Compliance  
3500 Industrial Blvd.  
West Sacramento, CA 95691

dan.riordan@water.ca.gov

For further information, including the Notice of Preparation, background, and a map of the project area, please visit: [http://www.water.ca.gov/environmental\\_services/frpa\\_prospect\\_restoration.cfm](http://www.water.ca.gov/environmental_services/frpa_prospect_restoration.cfm)

NO 616 PUBLIC NOTICE

The Sacramento County Office of Education is calling for proposals for Medi-Cal reimbursement services to file actual and estimated reimbursement claims and estimated claims with the California Department of Health Care Service and/or Local Education Consortium (LEC) for the claim years ending June 30, 2014, June 30, 2015 and June 30, 2016. This Request for Proposal is set up in six part sequences comprised of the following:

- I. Bidding Instructions and Conditions
- II. Special Conditions
- III. Request for Proposal for Medi-Cal Reimbursement Services
- IV. Contract Agreement
- V. Attachments
- VI. Proposal Summary and Forms/Statement of Qualifications

Parts I, II, III and V are for informational purposes only. Part IV will require completion after a firm or individual is selected. Part VI must be completely filled out and signed by authorized signatory personnel of the bidding firm.



# Cajun & Blues Festival Parade

Cajun & Blues Festival Parade is looking for entries. If you are a school, service club, business or just you. Call them at 916-777-4800 or eMail to: isletonchamber@up for entry form. Must be in by June 1st. For your

information anyone needing ticket information or a direct link to purchase go to Festival website <http://www.isletoncajunfestival.net>  
Date of the Cajun & Blues Festival is June 15 and 16 in downtown Isleton



Fair continued from-page 8

Pablo Cruise To Perform Opening Night Solano County, CA – The best entertainment value of the summer can be found at this year’s Solano County Fair, July 31 – August 4, with five nights of FREE headline concert entertainment included with the price of admission. Just announced for Wednesday, July 31 is the legendary pop/rock band, Pablo Cruise. This performance is in addition to the previously announced headline concerts by eclectic funk band, WAR,

on Thursday, August 1, followed by R&B legends, The Spinners, on Friday, August 2, and soul superstars, Tower of Power, on Saturday, August 3. All four concerts will begin at 8:00 p.m. “We’re very excited about the variety and quality of concerts we have scheduled for this year,” stated Fair General Manager Mike Paluszak. “The evening concerts, followed by nightly fireworks will be a fantastic way to top off a full day of Fair activities and entertainment.” Concert entertainment for the Fair’s closing night, Sunday, August 4, will be announced soon. In 1975, Pablo Cruise released its first album simply entitled, “Pablo Cruise.” The album cover was shot in the tropical gardens of San Francisco’s Golden Gate Park and featured a huge gorilla standing front and center. The band, David Jenkins (guitars and vocals), Cory Leries (keyboards and vocals), Steve Price

## NOTICE OF PUBLIC SCOPING MEETING FOR THE PROSPECT ISLAND TIDAL HABITAT RESTORATION PROJECT

The California Department of Water Resources (DWR) has published a Notice of Preparation for an Environmental Impact Report (EIR). DWR will prepare an EIR for the Prospect Island Restoration Project (project) in Solano County, California. DWR will be the lead agency under the California Environmental Quality Act (CEQA). In accordance with CEQA, the lead agency is responsible for the scope, content, and legal adequacy of the document. The EIR will evaluate the environmental effects of implementing a project to restore tidal freshwater emergent marsh wetland and open water habitats on Prospect Island.

The project, which is located in the northern portion of the Sacramento - San Joaquin River Delta in Solano County, would restore approximately 1600 acres of currently submerged non-tidal lands to tidal habitat. The project is intended to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR, as required by the U.S. Fish and Wildlife Service Delta Smelt Biological Opinion and referenced in the National Marine Fisheries Service Salmonid Biological Opinion, for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP).

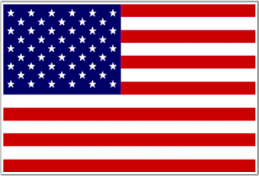
DWR is seeking public input on alternatives, concerns, and issues to be addressed in the EIR through a public scoping meeting at the following location:

Date Time  
June 10 7:00-9:00 p.m. City of West Sacramento Community Center Community Room  
1075 West Capitol Avenue, West Sacramento, CA

Comments on the scope and content of the EIR should be made in writing to DWR at the earliest possible date, but not later than June 21, 2013. Responses should be sent to:

Mr. Dan Riordan  
California Department of Water Resources  
Office of Environmental Compliance  
3500 Industrial Blvd.  
West Sacramento, CA 95691

[dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)  
For further information, including the Notice of Preparation, background, and a map of the project area, please visit: [http://www.water.ca.gov/environmentalservices/frpa\\_prospect\\_restoration.cfm](http://www.water.ca.gov/environmentalservices/frpa_prospect_restoration.cfm).



## St. Brigid’s Episcopal Church

We meet at 218 California St.

All Who Seek Christ are Welcome  
Community Outreach is a Priority of this Church

**Holy Eucharist every Sunday at 10:30**

Evening Prayer Service the First Tuesday of the Month at 7:00 pm

Bible Study the First Thursday of the Month at 10:00 am

P.O. Box 580 Rio Vista, CA. 94571

[www.stbrigidsriovista.org](http://www.stbrigidsriovista.org)

Office 707-374-2667



## DELTA AYSO Fall Soccer Registration

Where: Montezuma Fire Station at the corner of Main and 4<sup>th</sup> Street in Rio Vista

When: Wednesday, May 30 6:00pm till 8:30 pm  
Saturday, June 1 9:00am till noon.

Fees: \$100.00 for one player each additional player is \$ 80.00

Questions: Call 707 374 2029

AYSO is an all volunteer youth sports organization and not sponsored or affiliated with the River Delta School District.



## Shafer Real Estate

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**993 Olympic Dr** \$249,000  
1451 sq ft  
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**323 Crystal Downs Dr.** \$244,900  
Atherton  
1579 sq ft  
2br, 2 ba,  
2.5, garage



**10 Arrowhead** \$185,000  
Schooner  
1154 sq ft  
2br, 2ba,  
corner lot



**1000 Michaelbook Ln.** \$275,000  
San Carlos  
1907sq ft  
2br, 2ba,  
Corner Lot,  
Extended  
Garage



**409 Bay Oaks Way** \$239,000  
Atherton  
1579 sq ft,  
2br, Plus  
Den, 2ba,  
2 Car Garage



**342 Desert Forest** \$209,000  
Carmel  
1154 sq. ft  
2br, 2ba,



**320 Springhill. Dr.** \$314,900  
Windsor  
2031 sq.ft  
2 br, 2 ba, 3  
car garage.  
Shows like a  
Model



**290 Cedar Ridge** \$289,000  
2065 sq ft  
2br, 2.5 ba,  
2.5 garage



**108 Riviera Dr.** \$319,900  
Woodside  
1701 sq ft  
2br, 2ba, on  
2nd Fairway



**400 Riverwood Ln.** \$264,900  
Belmont  
1767 sq ft  
2br, 2ba,  
No Rear  
Neighbors



**533 Black Diamond Dr.** \$220,000  
Big Sur  
1359 sq ft  
2 br, 2.ba  
No Rear  
Neighbors



**361 Glenn Lakes Dr.** \$367,000  
Asti  
2475 sq ft. 2  
bd, 2 ba, 3  
car garage,  
on 8th Fair-  
way



**382 Paradise Pines Dr.** \$249,900  
Hillsborough  
1675 sq ft  
2 br, 2 ba,  
Extended  
Garage



**418 Western Hill Dr.** \$375,000  
Yountville  
2567 sq ft  
3 br, 2.5  
ba 3 car  
garage



[www.shaferrealestate.net](http://www.shaferrealestate.net)

Lic # 01390213

**Rio Video Coffee and Smoothie Bar**  
M-Th 10 am -8:30 pm Fri-Sat 10 am - 9 pm  
Sun 1 pm-8:30 pm

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THURSDAYS @ 6P.M.

SATURDAYS @ 10A.M.

707.374.2432 \*THE GYM @ RIO VISTA\*  
40 N SECOND STREET, RIO VISTA, CA 94571



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**Prospect Island Notice of Preparation (NOP)**

McEwan, Dennis@DWR [Dennis.McEwan@water.ca.gov]

**Sent:** Monday, May 20, 2013 12:19 PM

**To:** McEwan, Dennis@DWR [Dennis.McEwan@water.ca.gov]

**Subject:** Notice of Preparation of a Draft EIR for Prospect Island Tidal Habitat Restoration Project now online.

Hello,

This email is to announce the availability of the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Prospect Island Tidal Habitat Restoration Project. The NOP is now posted on our Prospect Island Website:

[http://www.water.ca.gov/environmentalservices/docs/frpa/Signed\\_Complete\\_Final%20Prospect\\_NOP\\_2013-0517b.pdf](http://www.water.ca.gov/environmentalservices/docs/frpa/Signed_Complete_Final%20Prospect_NOP_2013-0517b.pdf)

Information about the Project and the Scoping meeting can be found within the NOP.

Please send all comments to:

**Dan Riordan**

**Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236**

**Fax: 916-376-9688, Email: [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)**

Thank you,

Dennis McEwan

Dennis McEwan, Chief

Mitigation and Restoration Branch

Division of Environmental Services

Department of Water Resources

Office: (916) 376-9760

3500 Industrial Blvd.

West Sacramento, Ca

95691

*Mailing address: PO Box 942836*

*Sacramento, Ca. 94236*

## CEQA Daily Log

Documents Received during the Period: 05/16/2013 - 05/31/2013

| SCH<br>Number  | Title /<br>Lead Agency /<br>City--County /<br>Description   | Document<br>Type | Ending<br>Date |
|--|---|------------------|----------------|
| <b><u>Documents Received on Monday, May 20, 2013</u></b> |   |                  |                |
|  | DIST.: 4) (APN: 340-070-67).  |                  |                |
| 2013051057   | Solvang Senior Apartments<br>Solvang, City of<br>Solvang--Santa Barbara<br>The project is a 45 unit senior apartment project in one building with 45 parking spaces. The site is an in-fill parcel. The project involves extension of a public street.  | <b>MND</b>       | 06/19/2013     |
| 2013051048   | State Route 67 Median Barrier Feasibility Safety Project<br>Caltrans #11<br>Poway--San Diego<br>Caltrans is proposing three build and one no-build alternative to be studied for this project. The proposed project is approximately 13 miles in length and proposes to study the feasibility of installing a median barrier to reduce the number and severity of cross centerline accidents. Alternatives 1 and 2 each have three types of barrier as options: either a concrete barrier, high tension cable barrier, or metal barrier rail. Alternative 1 proposes removing the existing inside lane to install the median barrier Alternative 2 proposes to install a median barrier on the existing centerline. Alternative 3 proposes to remove a lane and install a 12' median buffer. Alternative 4 is the no-build alternative.   | <b>NOP</b>       | 06/18/2013     |
| 2013051049   | Central Metal Expansion (Project No. R2004-00324-(2)/CUP No. 200500040/ENV No. 200500053)<br>Los Angeles County<br>--Los Angeles<br>Central Metal is a currently operating scrap metal processing facility at 8201 Santa Fe Avenue in the unincorporated communities of Florence-Firestone and Walnut Park. The project site is 11.28-acres, which includes the eastern 4-acre portion which currently operates as a scrap metal processing facility and western 7.28-acre portion which is currently used for truck storage. The proposed project expands the operations of the scrap metal facility operations to include the western and southern portion of the project site. The volume of scrap metal processed is projected to increase from 50,000 annual tons up to 80,000 annual tons. The site is currently developed with two main structures (a 46,500 sf warehouse and a 2,379-sf office building). The site is enclosed by a solid metal fence that varies in height from 8 to 12 feet. A railroad spur runs through the site diagonally from its northwest corner to its southeast corner. Currently, the facility has authorized hours of operation Monday to Friday from 7:30 AM to 4:00 PM and the proposed operations include limited operations on Saturdays from 7:30 AM to 2:00 PM. The facility is expected to employ approximately 20 workers per shift, up to 2 shifts per day. The existing scrap metal facility was authorized under CUP No. 01-262 to operate on the eastern 4-acre portion of the site in September 2002 for a grant term of ten years, and the applicant is requesting the continuance of the existing facility. | <b>NOP</b>       | 06/18/2013     |
| 2013052056   | Prospect Island Tidal Habitat Restoration Project<br>Water Resources, Department of<br>--Sacramento<br>The project would entail restoration of emergent wetlands and subtidal habitats on both properties comprising the approximately 1600-acre Prospect Island.   | <b>NOP</b>       | 06/18/2013     |

## **APPENDIX B: SCOPING MEETING MATERIALS**

---

- Scoping Meeting Agenda
- Comment Sheet
- Speaker Card
- Presentations: Overview, FRPA and Prospect Island
- Poster Board Map



## **Fish Restoration Program Agreement (FRPA) Prospect Island Tidal Habitat Restoration Project Scoping Meeting**

### **AGENDA**

June 10, 2013

City of West Sacramento Community Center, Community Room  
1075 West Capitol Avenue, West Sacramento, CA 95691

7:00 – 9:00 p.m.

**Meeting Objective:** To solicit public input on the scope of the environmental analyses to be conducted for the Prospect Island Tidal Habitat Restoration Project.

#### **7:00 – 7:15 p.m. Welcome and Sign-In**

---

- Sign in and receive a meeting packet with agenda, blue speaker card (to sign up for oral comments), yellow comment sheet (to provide written comments) and Prospect Island fact sheet
- Browse project maps and provide written comments
- **If you would like to provide an oral comment, please fill out a blue speaker card and hand it to the facilitator or FRPA project staff.**

#### **7:15 – 8:00 p.m. Presentations**

---

- Scoping meeting process overview
- Environmental Impact Report (EIR) regulatory and scoping process, and compliance with California Environmental Quality Act (CEQA) regulations
- FRPA and Prospect Island project overview, background, and process

#### **8:00 – 9:00 p.m. Public Input Session**

---

- Please focus your comment on the scope of the Prospect Island project
- Speaker oral comments will be limited to 3 minutes or less.
- If providing an oral comment, please consider also submitting your comment in writing (on a yellow comment sheet or electronically). See comment sheet for more information.

#### **9:00 p.m. Adjourn**

---

*Thank you for participating in this process.*

*More information is available on the Prospect Island website:*

*[http://www.dwr.water.ca.gov/environmentalservices/frpa\\_prospect\\_restoration.cfm](http://www.dwr.water.ca.gov/environmentalservices/frpa_prospect_restoration.cfm)*

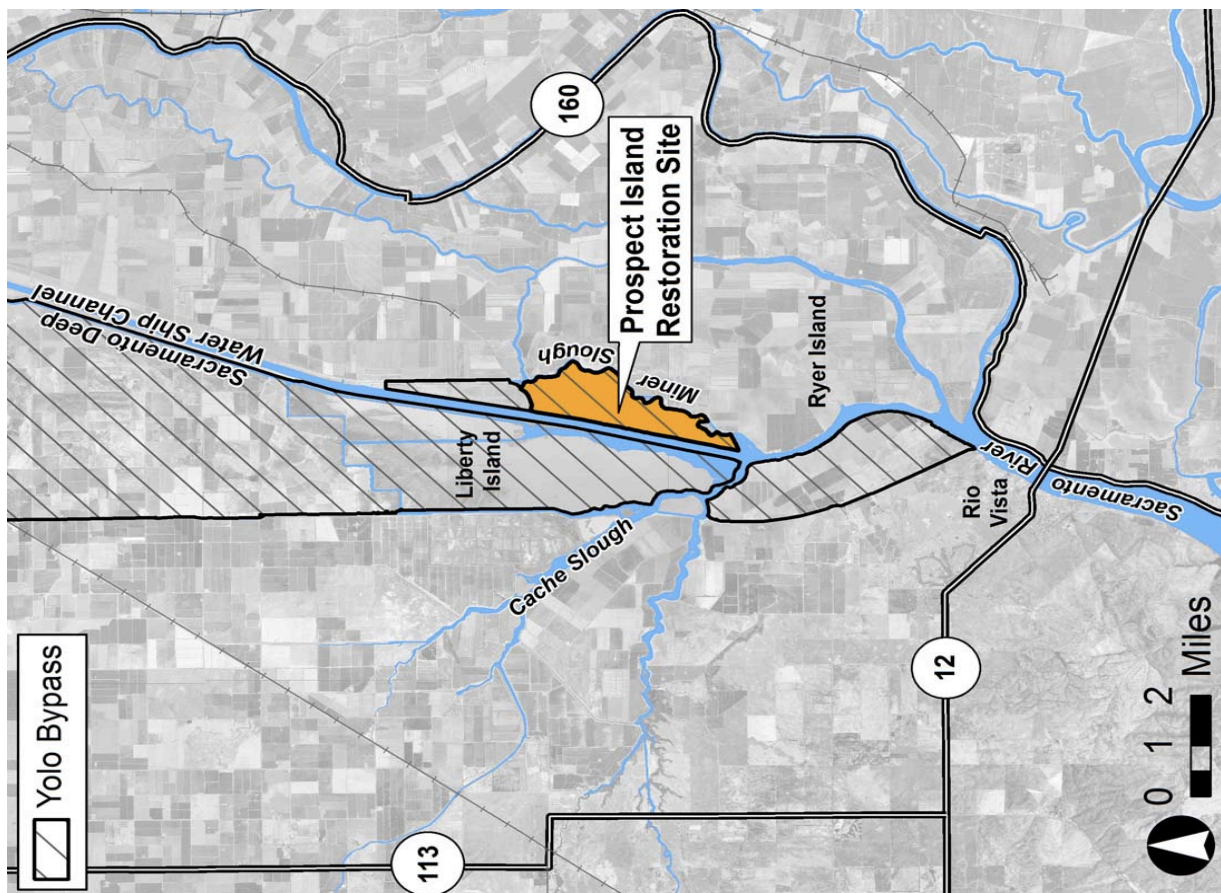
- Thank you for your input. You may provide your written comments by:
  - Turning in this form at the scoping meeting in the comment box provided.
  - E-mailing your comments to **Dan Riordan**, [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov), with the subject line **“FRPA Prospect Island Tidal Habitat Restoration Project Scoping Comment”**
  - Faxing this form to (916) 376-9688
  - Or mailing this form to the CA Department of Water Resources (address on back)
- Whatever method you choose, please note that all written comments must be **postmarked by June 21, 2013**.
- Please focus your comments on the scope of the Prospect Island project.
- You may use additional paper if necessary or provide comments on the map (on back).
- Please print clearly. All comments become part of the public record.

Place  
First Class  
Stamp  
Here

Fish Restoration Program Agreement  
Prospect Island Tidal Habitat Restoration Project

Attn: Dan Riordan  
Department of Water Resources  
PO Box 942836  
Sacramento, CA 94236

-----  
*Please fold, staple/tape, stamp and mail*





## **Fish Restoration Program Agreement Prospect Island Tidal Habitat Restoration Project Scoping Meeting**

### **SPEAKER CARD**

If you would like to provide an oral comment,  
please fill out and hand this speaker card to the facilitator or FRPA staff.

- Please focus your oral comments on the scope of the Prospect Island project.
- Oral comments will begin after the presentations are completed at 8:00 p.m.
- Oral comments will be heard in the order that the speaker cards were received. Comments are limited to 3 minutes or less (final timing will be established once the number of speakers is known).
- Please consider also submitting your comment in writing (on a yellow comment sheet or electronically). See comment sheet for more information.

Please provide the following information:

**NAME:**

**ORGANIZATION:**

**MAILING ADDRESS:**

**PHONE:**

**EMAIL:**

**Please briefly summarize your oral comment:**

**Would you like to be added to the FRPA listserv to receive periodic updates  
about FRPA (please circle one)?**

**YES**

**NO**



# **SCOPING MEETING**

**Fish Restoration Program Agreement (FRPA)**

**Prospect Island**

**Tidal Habitat Restoration Project**

**June 10, 2013**

**West Sacramento Community Center  
West Sacramento, California**






# Scoping Meeting Objective

Solicit public input on the scope of the environmental analyses to be conducted for the Prospect Island Restoration Project Draft Environmental Impact Report (DEIR) to be prepared under the California Environmental Quality Act (CEQA)

# Meeting Agenda



|                  |                                    |
|------------------|------------------------------------|
| 7:00 – 7:15 p.m. | Welcome, Sign-In,<br>Introductions |
| 7:15 – 8:00 p.m. | Presentations                      |
| 8:00 – 9:00 p.m. | Public Input Session               |
| 9:00 p.m.        | Adjourn                            |



# Public Comment Process

- To provide an oral comment, fill out and hand a speaker card (blue) to the facilitator or FRPA staff
- **Focus your oral comments on the scope of the Prospect Island EIR**
  - Comments will begin after the presentations, in the order that the speaker cards were received
  - Comments will be captured by a court reporter
  - Comments are limited to 3 minutes or less
- **Written comments are encouraged – please consider submitting your comment in writing (on a yellow comment sheet or electronically)**

# Ground Rules

1. Participation encouraged
2. **Honor the focus of the meeting:**
  - Environmental issues, concerns, and alternatives to evaluate in the EIR
  - Not a public hearing or debate on the merits of FRPA or Delta restoration
3. One person speaks at a time; no side conversations
4. Be respectful, even in disagreement
5. Silence or turn off cell phones



# CEQA Process

- Notice of Preparation (NOP): May 17, 2013
  - NOP Comment Period: May 17 – June 21, 2013
- Public Draft EIR (Winter/Spring 2014)
  - 45-Day DEIR Public Review Period
  - Draft EIR Public Hearing (during public review)
- Final EIR (responses to comments)
- Project Approval (CEQA Findings and Mitigation Monitoring and Reporting Plan)

# Questions on Process?





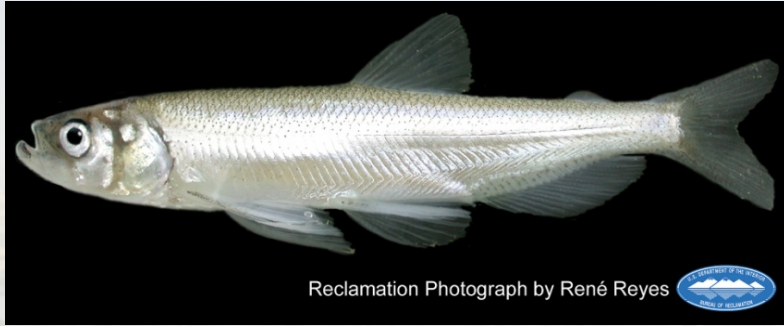
# **FISH RESTORATION PROGRAM AGREEMENT**

## **Implementing Habitat Restoration Requirements Of The Biological Opinions**

**Dennis McEwan**  
**Department of Water Resources**



# Listed Fish Species



Reclamation Photograph by René Reyes



Source: FWS



Reclamation Photograph by René Reyes



Source: DWR Aquatic Ecology



Photo by Pat Higgins

Source: FWS

Source: NOAA



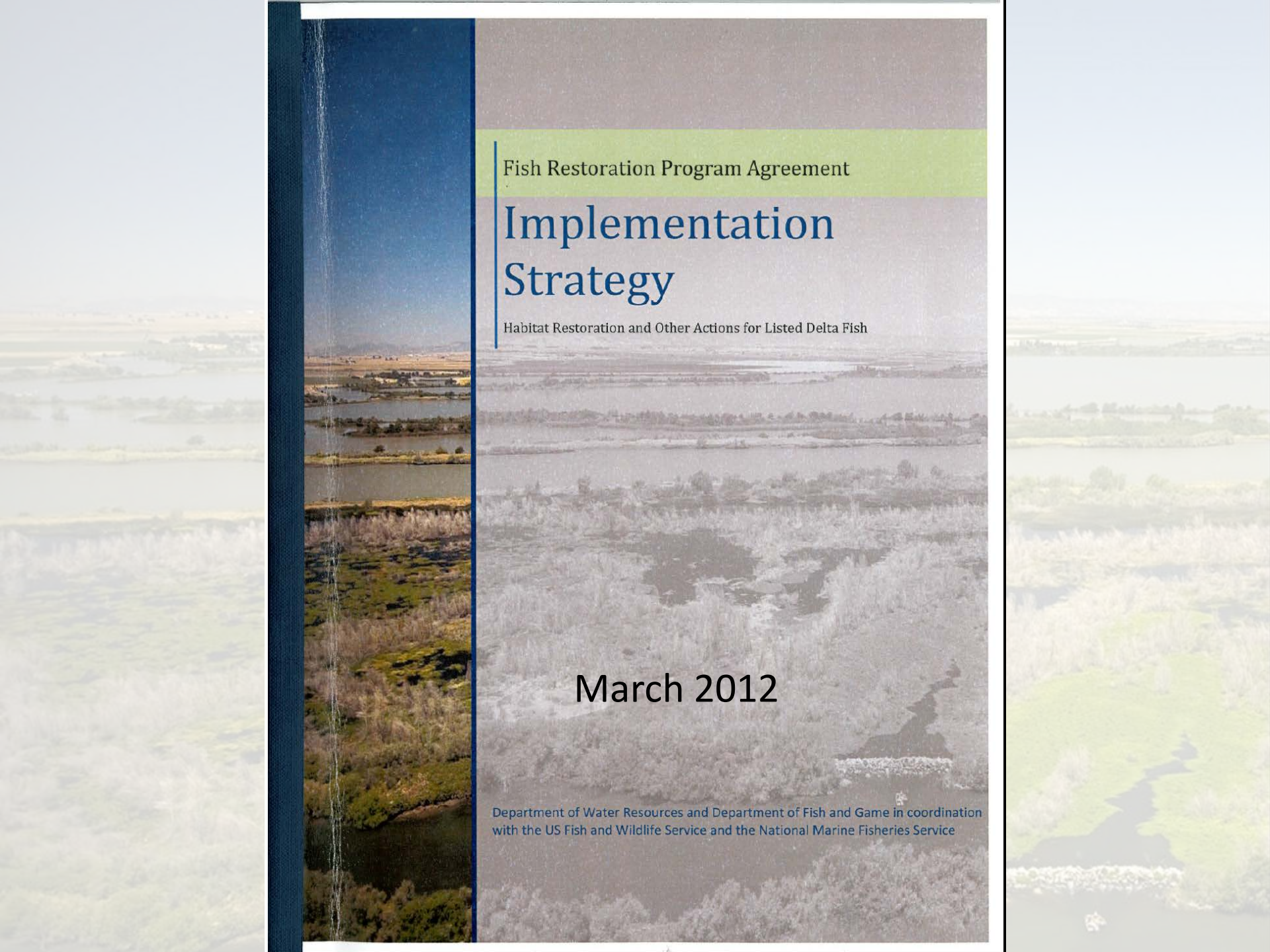
# DWR Habitat Restoration Requirements

- **USFWS Delta Smelt Biological Opinion:**
  - *Restore 8,000 acres of intertidal and associated subtidal habitat*
- **NMFS Salmonid/Sturgeon Biological Opinion:**
  - *Restore salmonid rearing habitat*
  - *Enhance existing habitat in Liberty Island and lower Cache Slough*
- **CDFW Longfin Smelt Incidental Take Permit:**
  - *Restore 800 acres of brackish tidal habitat*
- **DWR Environmental Stewardship Policy:**
  - *Contribute to the recovery of listed species*

# **Fish Restoration Program Agreement (FRPA)**

- Executed October 2010
- Joint DWR and DFW program
- Fulfill habitat restoration obligations
- Establishes framework for selecting, funding, implementing and managing restoration projects





Fish Restoration Program Agreement

# Implementation Strategy

Habitat Restoration and Other Actions for Listed Delta Fish

March 2012

Department of Water Resources and Department of Fish and Game in coordination  
with the US Fish and Wildlife Service and the National Marine Fisheries Service

# FRPA Goals and Objectives

- Restore 8,000 acres of tidal habitat
- Restore functions and processes that promote productivity and nutrient export
- Increase the amount and quality of salmonid rearing habitat and through-Delta survival
- Include other agencies, stakeholders, and the public in the decision-making process
- Use sound science and current information
- Maintain consistency with other Delta plans and programs



# **PROSPECT ISLAND RESTORATION**



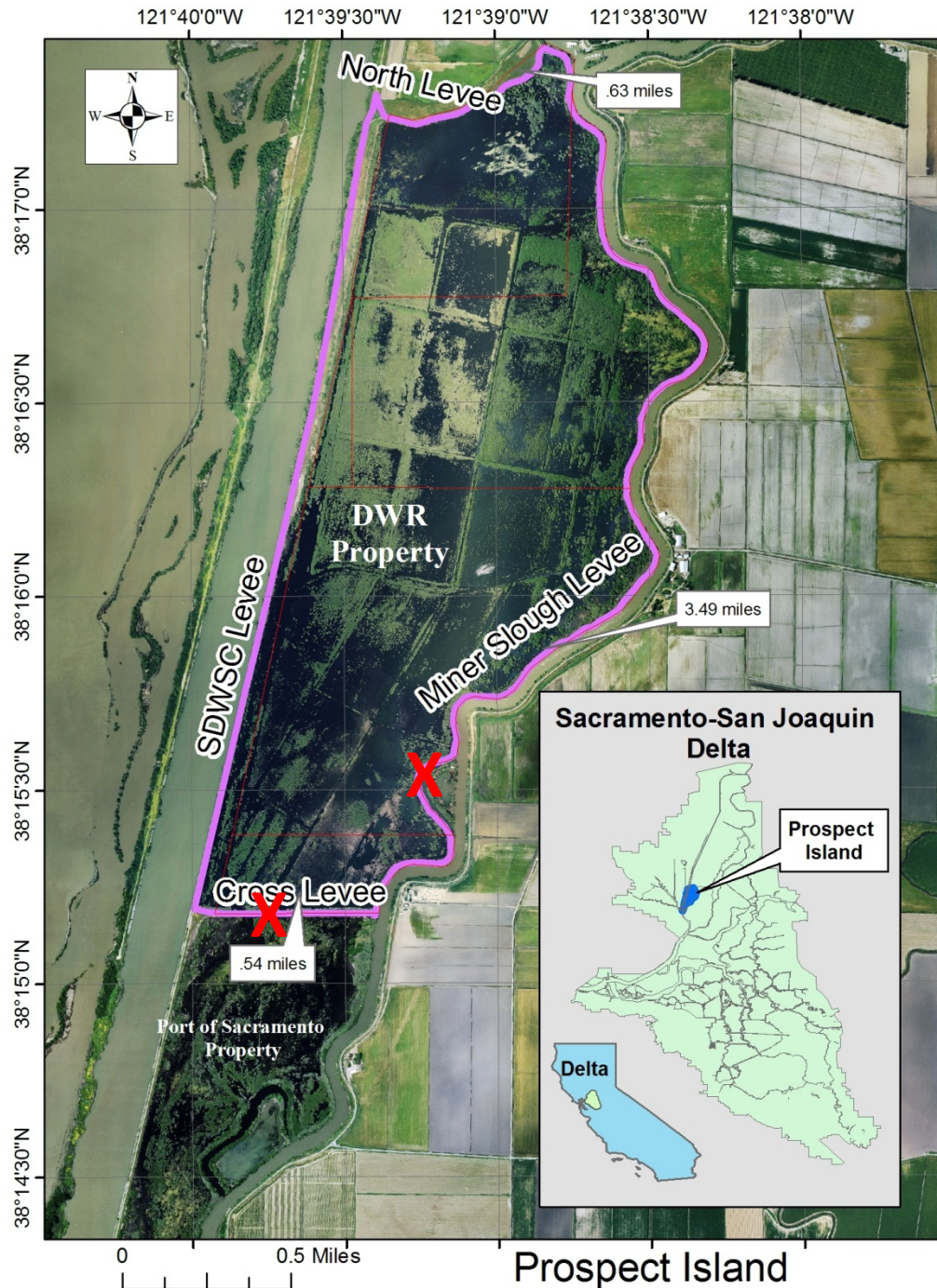
**Dan Riordan  
Fish Restoration Program  
Division of Environmental Services**



# Prospect Island







# Prospect Island

- Historically farmed
- Part of Yolo Bypass
- Bought by USBR in 1994 for NDNWR
- 2000 – Congress fails to authorize NDNWR
- **X** – 2007 breaches
- 2009 – Federal Govt. makes available via PBC process
- Northern 3/4 of the island acquired by DWR in 2010



# Prospect Island Existing 'Feral' Vegetation



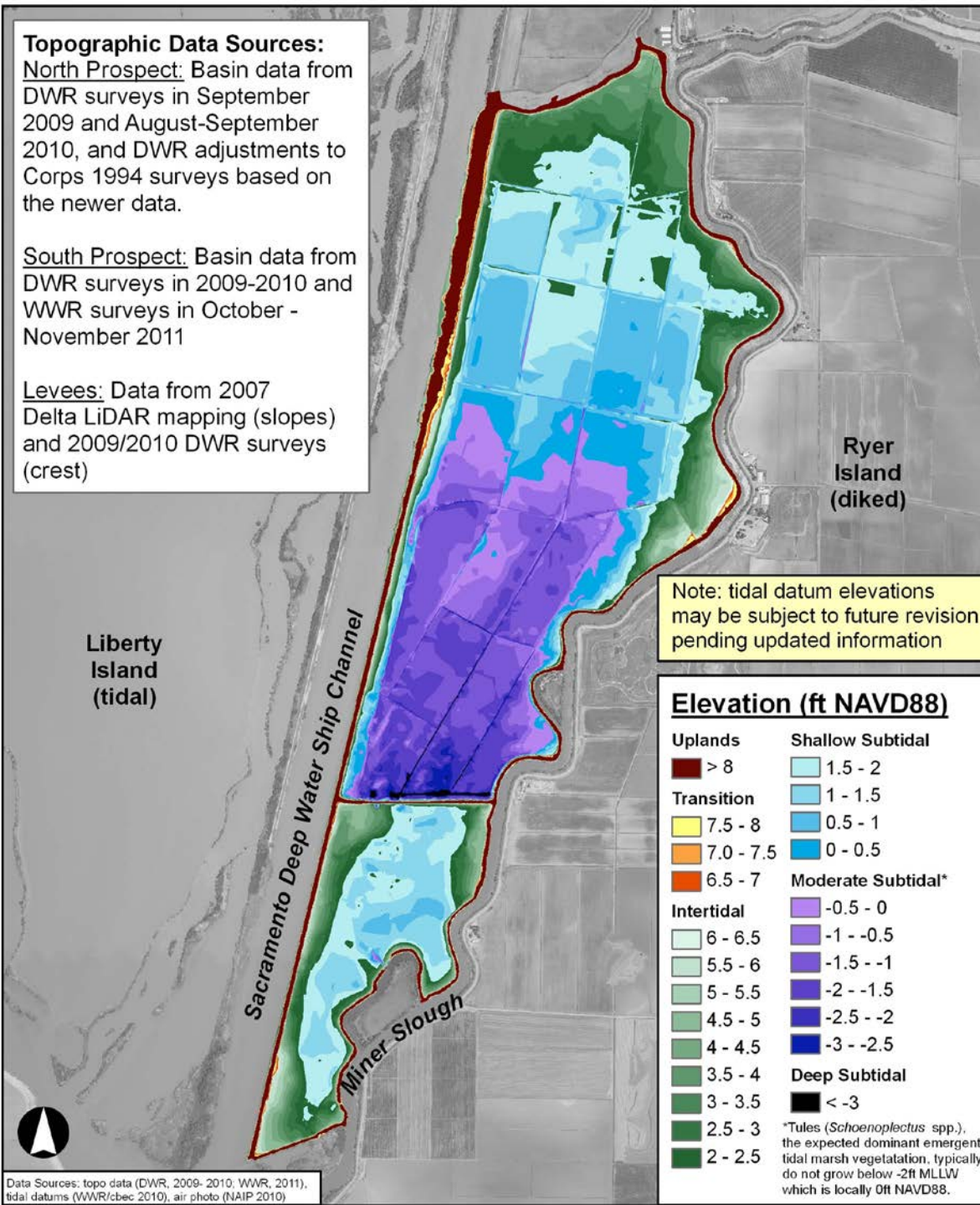


### Topographic Data Sources:

**North Prospect:** Basin data from DWR surveys in September 2009 and August-September 2010, and DWR adjustments to Corps 1994 surveys based on the newer data.

**South Prospect:** Basin data from DWR surveys in 2009-2010 and WWR surveys in October - November 2011

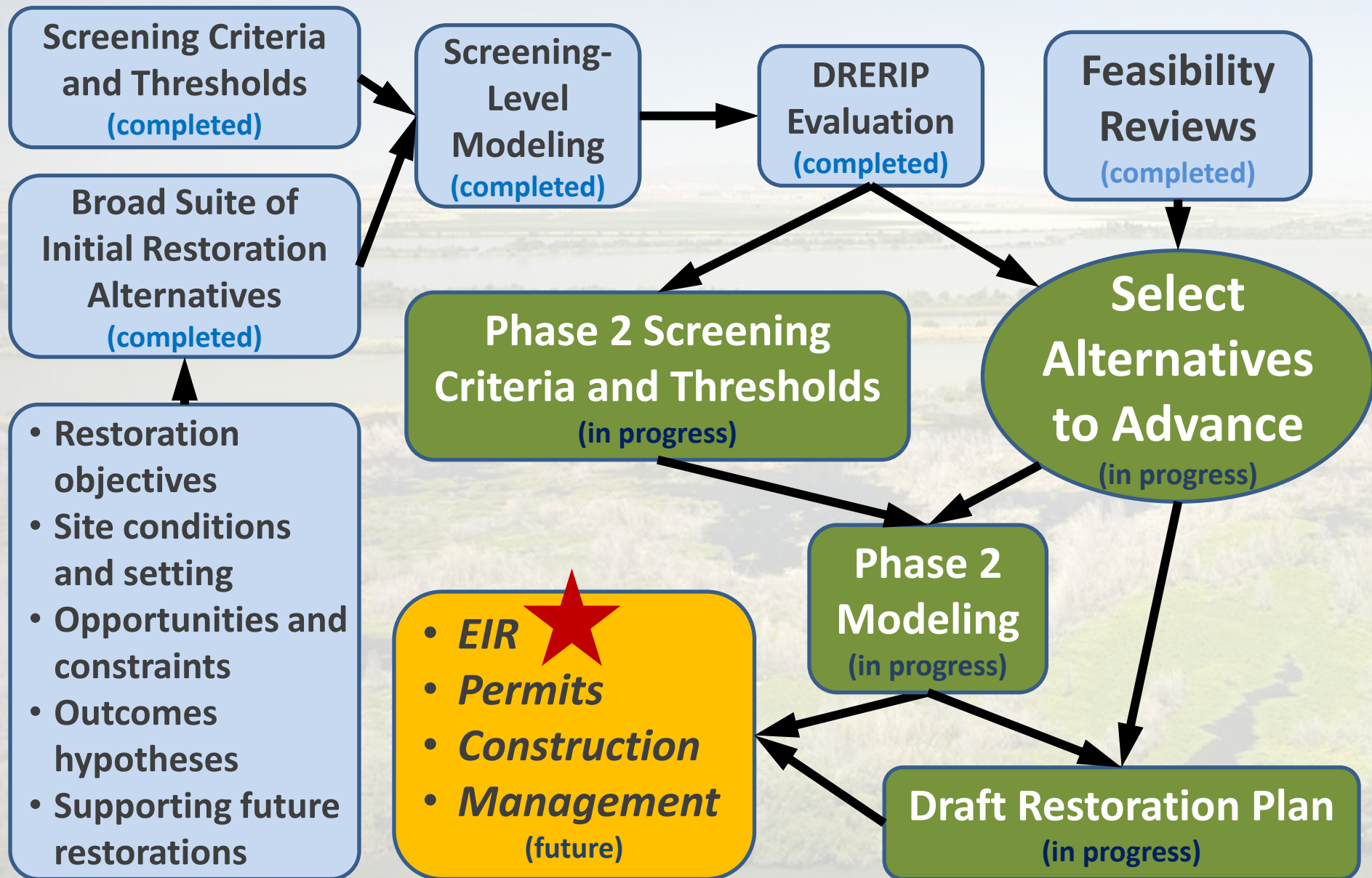
**Levees:** Data from 2007 Delta LiDAR mapping (slopes) and 2009/2010 DWR surveys (crest)



# Why Prospect?

- Publicly owned
- Suitable elevations for tidal marsh and aquatic habitat restoration
- Desirable location for target fish species

# Prospect Planning Process



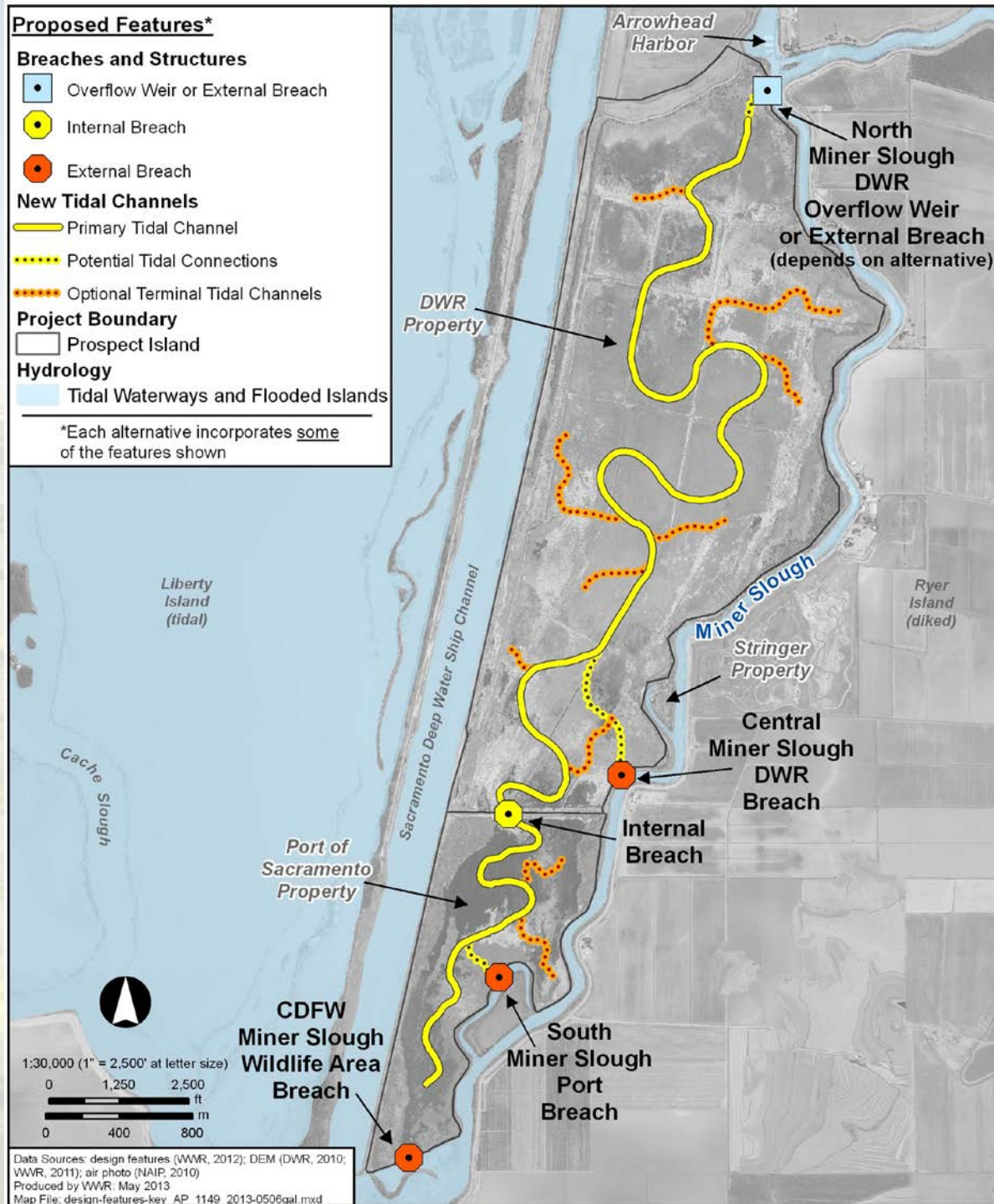


# Design Features

## Key

- Breaches
- Overflow weir
- Primary channels
- Secondary branch channels
- Connecting channels to selected breaches
- DWR and Port properties
- Adjacent property access

*Alternatives to be developed that mix and match these components*





# *Potential*

## **CEQA Project Actions**

1. Breach levees
2. Install weir(s)
3. Excavate channels within Prospect Island
4. Place excavated soils within Prospect Island
5. Import clean, suitable sediment from off-site sources
6. Address adjacent property access
7. Control invasive species
8. Reinforce levees



# Issues Currently Identified for EIR Analysis

## **Air Quality and Greenhouse Gas**

- Construction and post-construction activity emissions

## **Agricultural Resources**

- Removal of agriculturally mapped lands from future agricultural use

## **Cultural Resources**

- No site resources eligible for the National Register of Historic Places

## **Geology and Soils**

- Erosion from proposed earthmoving activities
- Perimeter levee stability
- Soil stability

# Issues Currently Identified for EIR Analysis

## Biological Resources

### *Aquatic*

- Levee breach effects on existing habitat for listed fish species
- Creation of any conditions harmful to listed species

### *Wetland*

- Effects of levee breaching, new tidal slough channels, and fill on
  - Freshwater non-tidal emergent marsh
  - Subtidal open water aquatic habitats
  - Submerged aquatic vegetation

### *Terrestrial*

- Reduced upland habitats and aquatic-terrestrial transitional habitat
- Impacts to special-status terrestrial and avian species



# Issues Currently Identified for EIR Analysis

## Hydrology

- Potential project effects on hydrology, including: local Delta hydrodynamics and tidal ranges, flood conveyance of Miner Slough and the Yolo Bypass, breach-induced crosscurrents in Miner Slough, potential scour effects to Ryer Island Miner Slough levee, effects on Ryer Island groundwater levels

## Water Quality

- Potential short-term effects on water quality, from release of turbidity and sediment-borne contaminants, excavated sediments, releases of fuel, lubricants, and construction materials
- Potential long-term effects on water quality from transport of turbidity, release/transport of sediment-borne contaminants, creation/release/transport of methylmercury, changes in disinfection byproduct formation potential in potable water supplies from natural organic matter and dissolved organic carbon



# Issues Currently Identified for EIR Analysis

## **Hazards and Hazardous Materials**

- Potential site contamination issues associated with project construction activities,
- Potential hazards to boaters, if any

## **Recreation**

- Impacts to recreational use of the Arrowhead Harbor, and hunting and fishing activities along Miner Slough and the DWSC

## **Other Issues**

- Aesthetics, Land Use/Planning (plan compliance), Mineral Resources (onsite mineral rights), Construction Noise, Public Services, Population and Housing, Transportation/Traffic (construction and post-construction access), Utilities/Service Systems (conflicts with onsite utilities)

# Prospect Island Restoration Schedule

|                          | <u>START</u> | <u>FINISH</u> |
|--------------------------|--------------|---------------|
| 1. OBTAIN BASELINE INFO: | Jul 2010     | Oct 2013      |
| 2. DESIGN:               | Jun 2011     | Feb 2015      |
| 3. CEQA:                 | May 2013     | Jun 2014      |
| 4. PERMITS:              | Jan 2013     | Feb 2015      |
| 5. INTERIM MGMT:         | 2010         | 2016          |
| 6. CONSTRUCTION:         |              | <u>2016</u>   |



*Blacklock Levee Breach, Oct 2006  
Photo: S. Siegel*



# **Prospect Island Restoration Project**

Written or oral comments can be provided at the public scoping meeting, or written comments may also be provided directly to DWR:

Dan Riordan  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236  
Fax: 916-376-9688  
Email: [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)

**For more info:**

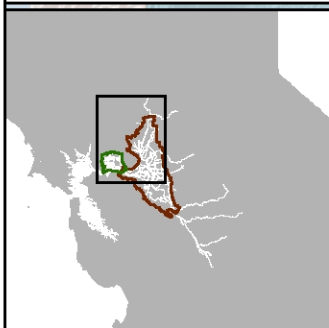
[www.water.ca.gov/environmentalservices/frpa.cfm](http://www.water.ca.gov/environmentalservices/frpa.cfm)

**Scoping comments postmarked by**

**\*\*\*\* June 21, 2013 \*\*\*\***

# FRPA AND OTHER HABITAT RESTORATION PROJECTS FOR BiOps AND ITP COMPLIANCE IN THE DELTA AND SUISUN MARSH

- Habitat Projects**
- Planned FRPA
  - Potential FRPA
  - Planned SFCWA
  - Planned SFCWA/DWR
- Reference Features**
- Legal Delta
  - Suisun Plan of Protection Boundary
  - Yolo Bypass
  - Creeks and Rivers
  - Highways



**APPENDIX C: WRITTEN & ORAL COMMENTS**

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- Written comments received during the scoping period (see Table 3.2)
- Written transcript of public scoping meeting (presentations and oral comments)



## Memorandum

Date: June 18, 2013

To: Mr. Dan Riordan  
California Department of Water Resources  
Post Office Box 942836  
Sacramento, CA 94236

From:   
Scott Wilson, Acting Regional Manager  
California Department of Fish and Wildlife – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Prospect Island Tidal Habitat Restoration Project, Notice of Preparation of an Environmental Impact Report, SCH #2013052056, Solano County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Prospect Island Tidal Habitat Restoration Project. CDFW is providing comments on the NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. CDFW is also considered a Responsible Agency if a project would require a discretionary approval, such as a California Endangered Species Act (CESA) Permit or a Lake and Streambed Alteration Agreement (LSAA).

The California Department of Water Resources (DWR) is proposing the Prospect Island Tidal Habitat Restoration Project (Project) to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR for the U.S. Fish and Wildlife Service Delta Smelt 2008 Biological Opinion and the National Marine Fisheries Service Salmonid 2009 Biological Opinion for the State Water Project and the Central Valley Project. DWR has indicated that the Project could also serve as partial habitat fulfillment of tidal restoration objectives under the proposed Bay Delta Conservation Plan.

The Project is an approximately 1,600-acre property located in Solano County in the Sacramento-San Joaquin River Delta. The majority of Prospect Island is owned by DWR, with the southern 300-acre portion owned by the Port of West Sacramento (Port).

The Project would include restoration of emergent wetlands and subtidal habitats. The design elements would include breaching of perimeter levees in one or more locations on Miner Slough, breaching of the cross levee between DWR and Port properties, installation of a fixed or variable-height weir, excavation of subtidal-elevation tidal slough channels, placement of soils for the purpose of raising subsided site elevations and/or for improving erosion protection of levees on the site, and provision of physical access to adjacent properties.

**General Comments**

Please include a complete project description of all phases of the Project, including the equipment to be used, access roads, staging areas, construction procedures, construction schedule, and long-term monitoring of mitigated lands and biological resources.

Please include a complete assessment in the EIR (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project, including impacts downstream of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). The EIR should also include an analysis of the off-site source locations for the imported sediment to be used at the Project site.

**Lake and Streambed Alteration Agreement**

CDFW may require an LSAA, pursuant to Fish and Game Code Section 1600 et seq., for the proposed Project-related activities within or near Miner Slough and the Sacramento Deep Water Ship Channel. Notification is required for any activity that will divert or obstruct the natural flow, change the bed, channel, or bank including associated riparian or wetland/marsh resources, use material from the stream/channel bed, or substantially adversely affect fish and wildlife resources. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. Therefore, the CEQA document must specify impacts, mitigation measures, and include a mitigation monitoring and reporting program.

**California Endangered Species Act**

Please be advised that a CESA Permit is recommended if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation. If the Project will or has the potential to impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

If you have any questions, please contact Ms. Crystal Spurr, Senior Environmental Scientist, at (209) 234-3442; or Mr. Jim Starr, Environmental Program Manager, at (209) 234-3440.

cc: State Clearinghouse



**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



June 19, 2013

Mr. Dan Riordan  
Department of Water Resources  
P.O. Box 942836  
Sacramento, California 94236

Subject: Prospect Island Tidal Habitat Restoration Project  
SCH Number: 2013052056  
Document Type: Notice of Preparation

Dear Mr. Riordan:

The Central Valley Flood Protection Board (Board) staff appreciates the opportunity to review and comment on the subject document. Our comments are related to (a) clarifying the Board's authority, (b) consistency with the Central Valley Flood Protection Plan, and (c) concern about sedimentation and erosion issues, as presented below:

Board Authority - The Board is responsible for flood safety within California's Central Valley and maintains the integrity of existing flood control systems, regulated streams and designated floodways through its regulatory authority. The Board has provided assurances to the U.S. Army Corps of Engineers to operate and maintain federal-State facilities of the State Plan of Flood Control, including Miner Slough and the east levee of the Sacramento Deep Water Ship Channel (DWSC). In turn, the Board has assigned the operations and maintenance responsibilities of Miner Slough and project levees along Miner Slough and the DWSC to the local levee maintaining agency, Reclamation District 501. The facilities listed above are within the proposed restoration project area and may be impacted by the proposed project.

A Board encroachment permit is required prior to any work within the Board's jurisdiction for the following activities:

The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (California Code of Regulations, Title 23, Section 6).

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento and the San Joaquin Rivers, and designated floodways, can be viewed on the Board's website at <http://gis.bam.water.ca.gov/bam/>.

Consistency with the Central Valley Flood Protection Plan - The Board adopted the Department of Water Resources' 2012 Central Valley Flood Protection Plan (CVFPP) in June 2012. The CVFPP provides a path for improving public safety, environmental stewardship, and long-term economic stability. The primary goal of the CVFPP is to improve flood risk management, with supporting goals to improve operations and maintenance, promote ecosystem functions,

restoration project as evaluated, designed, and constructed should to be consistent with the CVFPP.

The project proposes to construct tidal habitat restoration by increasing tidal flooding within Prospect Island. Consideration should be made early in the project design phase to provide maximum flexibility to sustain the primary flood control purpose and avoid adverse cumulative impacts to facilities of the State Plan of Flood Control and the Sacramento River Flood Control Project within and adjacent to the proposed project area. Any activity that encroaches on Miner Slough or the east levee of the DWSC shall not adversely impact flood system integrity, conveyance, design water surface elevation, or operations and maintenance.

Sedimentation and Erosion Issues - Board staff is concerned about the potential increase of sedimentation and erosion within the Sacramento River Flood Control project as a result of breaching levees on Miner Slough. Maintenance work, including vegetation management and sediment removal, is performed to maintain flood flow capacities of Miner Slough. The ability of the levee maintaining agencies to perform operations and maintenance activities could be financially impacted due to increased mitigation and regulatory permitting requirements as a result of the proposed project. Impacts on maintenance, including erosion, vegetation management, and sediment removal, should be addressed under the cumulative effects analysis for the project. Mitigation measures and project design alternatives should avoid potential adverse impacts to the facilities and design flood carrying capacities of the project.

The Board's Encroachment Permit Application forms and California Code of Regulations, Title 23, Division 1, can be found on the Board's website at <http://www.cvpfb.ca.gov/>. You may need to contact local, federal and State agencies to determine the need for other permits.

If you have any questions, please contact Senior Engineer Ali Porbaha at (916) 574-2378, or by e-mail at [Mohammad.Porbaha@water.ca.gov](mailto:Mohammad.Porbaha@water.ca.gov), or Staff Environmental Scientist James Herota at (916) 574-0651, or by e-mail at [James.Herota@water.ca.gov](mailto:James.Herota@water.ca.gov).

Sincerely,



Jay S. Punia  
Executive Officer

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, California 95814

Mr. Dean F. Messer  
Department of Water Resources  
P.O. Box 942836  
Sacramento, California 94236





## DELTA STEWARDSHIP COUNCIL

A California State Agency

980 NINTH STREET, SUITE 1500  
SACRAMENTO, CALIFORNIA 95814  
WWW.DELTACOUNCIL.CA.GOV  
(916) 445-5511

June 21, 2013

Dan Riordan  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

Via email: [dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)

**Chair**  
Phil Isenberg

**Members**  
Frank C. Damrell, Jr.  
Randy Fiorini  
Gloria Gray  
Patrick Johnston  
Hank Nordhoff  
Don Nottoli

**Executive Officer**  
Christopher M. Knopp

Dear Mr. Riordan:

We have reviewed the Notice of Preparation (NOP) for the Prospect Island Tidal Habitat Restoration Project Environmental Impact Report (EIR). We welcome the opportunity to provide input regarding how to ensure the consistency of the Prospect Island Project with the Delta Plan, which was adopted on May 16, 2013. Furthermore, DSC Science Program staff has participated in Cache Slough Technical Team discussions and facilitated expert panel deliberations on alternative designs for the Prospect Island Project using the DRERIP conceptual models. We appreciate the opportunity to comment on the NOP and look forward to continued coordination between our agencies to further our related efforts.

As you may know, in 2009 the California Legislature created the Delta Stewardship Council (DSC) to play a synthesizing and coordinating role among the many agencies and interest groups who have a stake in the Delta's future. The DSC was also tasked with developing, adopting and implementing the Delta Plan. The Delta Plan is an enforceable plan to further the achievement of the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The DSC sets state policy for the Delta through the Delta Plan and coordinates state and local agencies to achieve policy objectives. In addition, the Council was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta. To do this, the Delta Plan contains a set of regulatory policies with which state and local agencies are required to comply. The Delta Reform Act specifically established a certification process for compliance with the Delta Plan. This means that state and local agencies that propose to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," must certify that this covered action is consistent with the Delta Plan and must file a certificate of consistency with the Council that includes detailed findings.

It is important to note that not all actions that occur in whole or in part in the Delta are covered actions. For the Department of Water Resources to determine whether the proposed Prospect Island Project is a covered action under the Delta Plan and therefore subject to the regulatory provisions in the plan, it must start with the Delta Reform Act, which defines a covered action as (Water Code section 85057.5(a)):

*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054

*...a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:*

- 1. Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;*
- 2. Will be carried out, approved, or funded by the state or a local public agency;*
- 3. Is covered by one or more provisions of the Delta Plan;*
- 4. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.*

We encourage you to participate in early consultation with DSC staff. We can assist you in determining whether or not the project is a covered action, and if so, we can review the consistency of the proposed action with the Delta Plan's policies and make recommendations, as appropriate<sup>1</sup>.

The DSC staff's review of the NOP for the Prospect Island Project identified the following policies<sup>2</sup> to consider in order to ensure consistency with the Delta Plan. In addition, we recommend that DWR consider these policies, as appropriate, in its environmental analysis and its evaluation of alternatives in the EIR.

- **Best available science and adaptive management.** The proposed project would restore emergent wetlands and subtidal habitats on the approximately 1600 acres of Prospect Island. The NOP states that the project is intended to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR under the federal biological opinions regarding delta smelt and salmonids for the operation of the state and federal water projects. The project also could help meet the habitat restoration goals of the proposed Bay Delta Conservation Plan, if and when it is approved.

We understand that this project is currently a component of the Fish Restoration Program Agreement (FRPA) between DWR and the Department of Fish and Wildlife (DFW). The *FRPA Implementation Strategy* (DWR and DFW in coordination with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, 2012) states that an adaptive management plan consistent with the framework described in the Delta Plan will be developed for each restoration action.

Delta Policy G P1 (23 CCR Section 5002) specifies what must be addressed in a certification of consistency filed by a state or local public agency with regard to a covered action. As relevant to the purpose and nature of the project, all covered actions must document use of best available science (as described in Appendix 1A of the Delta Plan regulations). Ecosystem restoration covered actions **must** include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management. This requirement shall be satisfied through:

- An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

---

<sup>1</sup> Delta Stewardship Council. 2013. Delta Plan, Appendix B, Administrative Procedures Governing Appeals, Statutory Provisions Requiring Other Consistency Reviews, and other Forms of Review or Evaluation by the Council.

<sup>2</sup> In order to become legally binding, the Delta Plan policies must be approved as regulations by the Office of Administrative Law. Each policy is therefore referenced by both its Delta Plan policy number and its regulatory code section number. The DSC expects the regulations to go into effect no later than October 1, 2013.



- Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

The DSC staff looks forward to continue collaboration with DWR, DFW and others to support the use of best available science and the development of a robust adaptive management plan for this project.

- **Habitat restoration.** The NOP states that the objectives of the Prospect Island Project include enhancing food availability for native fishes; increasing salmonid rearing habitat; increasing habitat to support other listed species; enhancing water quality, recreation and carbon sequestration; promoting resiliency to climate change and other future conditions; and avoiding promotion of conditions that would favor the establishment or spread of nonnative invasive species. DWR should verify that these objectives are consistent with Delta Plan Policy ER P2 (23 CCR Section 5006), which calls for restoring habitats at appropriate elevations and in a manner consistent with Appendix 3, which is Section III of the California Department of Fish and Wildlife's *Draft Conservation Strategy for the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Region* (DFG 2011).
- **Nonnative invasive species.** As mentioned above, one of the project objectives is to avoid promotion of conditions that would favor nonnative species. Please verify that the project will be consistent with Delta Plan Policy ER P5 (23 CCR Section 5009), which states that the potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.
- **Respect local land use.** Concerns have been raised regarding the potential adverse effects of the proposed project on adjacent land, such as increases in Ryer Island groundwater levels, increased scour on the Ryer Island Miner Slough levee, and increased flood risk. Please verify that these concerns will be addressed in a manner consistent with Delta Plan Policy DP P2 (23 CCR Section 5011). This policy states that ecosystem restoration projects must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. (Because the project is located entirely on public land, it is consistent with the part of DP P2 that calls for plans for ecosystem restoration to consider sites on existing public lands, when feasible and consistent with a project's purpose, before privately owned sites are purchased.)
- **Flood risk reduction.** The Prospect Island Project should reduce, or at least not increase, flood risk. The Delta Plan contains two policies that may be relevant to DWR's consideration of this issue: Policy RR P3 restricts encroachments in floodways, and Policy RR P4 restricts encroachments in floodplains.

We have the following additional recommendations regarding ways in which the Prospect Island Project could further promote the achievement of the coequal goals.

- **Habitat restoration.** Delta Plan Recommendation ER R2 states that the habitat restoration project should ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed for the full life cycle of the species that will benefit from the restoration project. Where possible, projects should improve water quality. Project proponents should follow best practices for mosquito abatement. In addition, ER R2 specifically

recommends enhancing the ability of the Yolo Bypass to flood more frequently to provide more opportunities for migrating fish, especially Chinook salmon, to use this system as a migration corridor that is rich in cover and food.

- **Recreation on public lands.** Delta Plan Recommendation DP R11 calls for water management and ecosystem restoration agencies to provide recreation opportunities, including visitor-serving business opportunities, at new facilities and habitat areas whenever feasible. Recommendation DP R14 calls on DFW, in cooperation with other public agencies, to collaborate with nonprofits, private landowners, and business partners to expand wildlife viewing, angling and hunting opportunities. Recommendation DP R16 states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.
- **Water quality.** The NOP states that the EIR will evaluate both short-term and long-term water quality impacts. Delta Plan Recommendation WQ R1 states that water quality in the Delta should be maintained at a level that supports, enhances, and protects beneficial uses identified in the applicable State Water Resources Control Board or regional water quality control board water quality control plans. Delta Plan Recommendation WQ R2 states that covered actions should identify any significant impacts to water quality.
- **Protecting the Delta as place.** The Prospect Island Project should contribute to protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta. Delta Plan Recommendation DP R17 calls for enhancing opportunities for visitor-serving businesses.

We look forward to working with you and your staff to ensure consistency of the Prospect Island Project with the Delta Plan. If you have any questions, please contact Jessica Davenport at [jdavenport@deltacouncil.ca.gov](mailto:jdavenport@deltacouncil.ca.gov) or (916) 445-2168.

Sincerely,



Cindy Messer  
Deputy Executive Officer, Planning

cc: Phil Isenberg, Chair, DSC  
DSC Council Members  
Chris Knopp, Executive Officer  
Dan Ray, Chief Deputy Executive Officer  
Rainer Hoenicke, Deputy Executive Officer, Science Program  
Carl Wilcox, Policy Advisor to the Director for the Bay-Delta, Department of Fish and Wildlife



**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

*Our 75<sup>th</sup> Year*



1938 - 2013

June 21, 2013

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone:** (916) 574-1900  
**Contact Fax:** (916) 574-1885

File Ref: SCH #2013052056

Department of Water Resources  
Attn: Dan Riordan  
P.O.Box 942836  
Sacramento, CA 94236

**Subject: Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for Prospect Island Tidal Habitat Restoration Project (Project) in San Joaquin River Delta, San Joaquin County**

Dear Mr. Riordan:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP being prepared by Department of Water Resources (DWR) for the subject Project. The DWR, as a public agency carrying out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

**CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat



preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After reviewing the information contained in the NOP, CSLC staff has determined the portion of the Project in Minor Slough will be located on State-owned sovereign land under the jurisdiction of the CSLC. Additionally, the portion of proposed Project in Prospect Slough may also involve sovereign lands under the jurisdiction of the CSLC; however, based solely on the information submitted in the NOP, CSLC staff is currently unable to determine the extent or location of sovereign ownership interests of the State in this area of the Project. CSLC staff requests submittal of additional information such as detailed maps and engineering designs to enable CSLC staff to determine the exact components of the Project that will require a lease. Because a lease from the CSLC will be required for DWR to implement the Project on sovereign lands, please contact Wendy Hall (see contact information below) for further information about the extent of the CSLC's sovereign ownership and leasing requirements.

Please also be advised that the waterways involved in the Project are subject to a public navigational easement. This easement provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The activities completed under the Project must not restrict or impede the easement right of the public.

These comments are made without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

### **Project Description**

The proposed Project, encompassing approximately 1,600 acres, is located in the northern portion of the Sacramento-San Joaquin River Delta, Solano County. The majority of Prospect Island is owned by DWR (1,300 northern acres) and a small portion is owned by the Port of West Sacramento (300 southern acres). DWR plans to restore tidal habitat in accordance with its obligation to restore 8,000 acres of tidal marsh pursuant to the Reasonable and Prudent Alternative in the U.S. Fish and Wildlife Service (USFWS) Delta Smelt Biological Opinion (USFWS 2008) and referenced in the National Marine Fisheries Service (NMFS) Salmonid Biological Opinion (NMFS 2009). These Opinions were issued for DWR's long-term coordinated operations of the State Water Project and the federal Central Valley Project. The Project may also serve as partial habitat fulfillment of tidal restoration objectives under the proposed Bay Delta Conservation Plan, upon its approval.



The following Project objectives at Prospect Island will help meet the above described tidal restoration obligations:

1. Enhance primary and secondary productivity and food availability for native fishes within Prospect Island and surrounding Delta waterways;
2. Increase the quantity and quality of salmonid rearing habitat within and in the areas surrounding Prospect Island;
3. Increase the amount and quality of habitats to support other listed species, to the extent they can be supported by site conditions and natural processes;
4. Provide other ecosystem benefits associated with increased Delta freshwater tidal marsh habitat, including water quality enhancement, recreation, and carbon sequestration;
5. To the greatest extent practical, promote habitat resiliency to changes in future Delta conditions, such as land use conversions, climate change, sea level rise, and invasive species; and
6. Avoid promoting conditions adverse to Project biological objectives, such as those which would favor establishment of spread of invasive exotic species.

### **Environmental Review**

CSLC staff requests that the following potential impacts be analyzed in the DEIR.

### **General Comments**

1. Project Description: A thorough and complete Project Description should be included in the DEIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.
2. Cumulative Impacts: The DEIR should also include a cumulative impacts section to determine all past, present, and probable future projects in the area that may contribute to a greater level of environmental impacts. This analysis should define the cumulative impacts "study area" boundary, show the locations of other projects included in the analysis, and explain how those projects and the proposed Project may interact. If cumulatively considerable impacts are identified, the DEIR should propose feasible mitigation measures to minimize these potential impacts.



3. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, §15126.4, subd. (b)).

#### Biological Resources

4. Sensitive Species: The DWR should work closely with the California Department of Fish and Wildlife (CDFW), USFWS, and NMFS during development of the DEIR to identify any special-status plant or wildlife species occurring in the Project area that may be affected by the Project. Although the ultimate outcome of the Project's restoration components may provide a benefit to target species, Project construction could nonetheless result in temporary impacts to those species, and possibly temporary or permanent impacts to species that are not the beneficiaries of the restored tidal marsh. The DEIR should analyze the potential for the Project to impact all sensitive species in the Project area and, if impacts to these species are found to be significant, identify all feasible mitigation.
5. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the DEIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the DEIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring a certain degree of hull-cleaning from contractors. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfg.ca.gov/invasives/>).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the DEIR should examine if any elements of the Project would favor non-native fisheries within the San Joaquin River Delta.

6. Construction Noise: The DEIR should also evaluate noise and vibration impacts on fish and birds from construction, restoration or flood control activities in the water, on the levees, and for land-side supporting structures. For example, the DEIR should describe weir installation in detail and evaluate whether any activities necessary for the weir installation could generate noise or underwater acoustic impacts that could affect species in the Project vicinity. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. As stated above, in order to develop the most



comprehensive and effective measures, CSLC staff recommends DWR consult early with these agencies during development of the DEIR.

### Water Quality

7. Mercury/Methylmercury: Since the proposed Project is in the San Joaquin River Delta, CSLC staff recommends testing of sediment quality and suitability. CSLC staff also requests that the DEIR include avoidance and minimization measures to reduce potential release of mercury/methylmercury and other toxins from Project activities into waterways and onto State lands underlying those waterways.

On April 22, 2010, the Central Valley Regional Water Quality Control Board (CVRWQCB) identified the CSLC as both a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043), because subsurface lands under the CSLC's jurisdiction are impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential mercury/methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. Any action taken that may result in mercury/methylmercury suspension within the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

### Climate Change

8. Greenhouse Gases (GHG): Page 4 of the NOP indicates the DEIR will include an analysis of short-term air quality impacts including GHG emissions from construction-related activities. CSLC staff encourages DWR to develop a GHG emission analysis that is consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and section 15064.4 of the State CEQA Guidelines.<sup>1</sup> The DEIR should list all expected equipment and vehicles to be used as well as their duration of use and their GHG emissions rate, identify a threshold of significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible.
9. Sea Level Rise: Because the Project will require DWR to obtain a lease for use of State sovereign lands, the DEIR should also consider the effects of sea level rise on the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A

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<sup>1</sup> The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.



Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, [www.slc.ca.gov](http://www.slc.ca.gov).) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases. From the initial information contained in the NOP, it appears that under the common range of sea level rise scenarios, the Project area and its facilities/infrastructure could be affected.

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

#### Cultural Resources

10. Cultural Resources Assessment: The NOP on page 5 states that a cultural resources assessment has been prepared for the property. CSLC staff recommends DWR further discuss the assessment and attach the findings as an appendix in the DEIR, excluding or redacting confidential sensitive site information as appropriate.
11. Submerged Resources: The DEIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests DWR contact Senior Staff Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
12. Title to Resources: The DEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the DWR consult with Senior Staff Counsel Pam Griggs (see contact information below), should any cultural resources on state lands be discovered during Project construction.

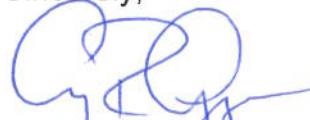
Recreation

13. The NOP on page 6 appears to focus only on recreational activities such as hunting and fishing. As described above, the CSLC is a responsible agency for the Project; the CSLC will also have to determine, when it considers issuance of a lease, whether the Project is consistent with the Public Trust Doctrine. As a result, CSLC staff recommends expanding the scope of the analysis in the DEIR to include other recreational activities that are considered public trust uses or values, such as kayaking, boating, bird watching, swimming, etc. in and around the proposed Project site. Also, CSLC staff recommends measures such as, but not limited to, placing signage (in advance) in and around the site notifying members of the public about possible closure of the access to the San Joaquin River Delta and identifying alternate access points and or use areas, with the appropriate rerouting directions, during construction.

Thank you for the opportunity to comment on the NOP for the Project. As a responsible agency, the CSLC will need to rely on the Final EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments as you develop the DEIR. Please send additional information on the Project to the CSLC as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Draft EIR, Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at [afifa.awan@slc.ca.gov](mailto:afifa.awan@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Wendy Hall with the Land Management Division at (916) 574-0994 or via email at [Wendy.Hall@slc.ca.gov](mailto:Wendy.Hall@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Afifa Awan, DEPM, CSLC  
Jennifer DeLeon, DEPM, CSLC  
Pam Griggs, Legal, CSLC  
Wendy Hall, LMD, CSLC  
Eric Milstein, Legal, CSLC



**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
OAKLAND, CA 94612  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 771



*Flex your power!  
Be energy efficient!*

June 7, 2013

SOL84009  
SOL-084-7.66  
SCH#2013052056

Mr. Dean F. Messer  
California Department of Water Resources  
PO Box 942836  
Sacramento, CA 94236

Dear Mr. Messer:

**Prospect Island Tidal Habitat Restoration Project – Notice of Preparation**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Notice of Preparation and have the following comments to offer.

***Bridges, Trestles, Culverts and Other Structures in Riparian Environments***

Some project level activities may affect riparian flow patterns upstream of bridges, trestles, culverts or other structures for which Caltrans holds responsibility. Please ensure your project level environmental documents include hydrological studies to determine whether such impacts will occur, and to identify appropriate mitigation measures.

***Dike and Levee Maintenance, Repair and Upgrade***

Activities involving demolition, reinforcement or rehabilitation of dikes or levees on which transportation facilities are built may potentially affect State transportation facilities. Also, built features on top of dikes and levees may contribute additional engineering considerations related to weight loading or compaction. These factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans at the project level.

***Habitat Restoration and Management***

Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and with Caltrans where our programs share stewardship responsibilities for habitats, species and/or migration routes.

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the

Mr. Dean F. Messer, California Department of Water Resources

June 7, 2013

Page 2

construction plans prior to the encroachment permit process. See the website linked below for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at [keith\\_wayne@dot.ca.gov](mailto:keith_wayne@dot.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Alm", with a stylized flourish at the end.

ERIK ALM, AICP  
District Branch Chief  
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse



1331 Concord Avenue  
P.O. Box H2O  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

June 14, 2013

**Directors**

Joseph L. Campbell  
*President*

Karl L. Wandry  
*Vice President*

Bette Boatman  
Lisa M. Borba  
John A. Burgh

Jerry Brown  
*General Manager*

Dan Riordan  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

**Subject: Contra Costa Water District's Scoping Comments Regarding the Notice of Preparation of an Environmental Impact Report on the Prospect Island Tidal Habitat Restoration Project**

Dear Mr. Riordan:

Contra Costa Water District appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) on the Prospect Island Tidal Habitat Restoration Project (the Project). The NOP describes some of the potential hydrology and water quality impacts of the Project that will be examined in the EIR; however, potential changes in Delta salinity and seawater intrusion were not included but should be. Hydrodynamic modeling has shown that tidal marsh restoration in the Delta has the potential to increase seawater intrusion into the Delta<sup>1</sup>. Increases in seawater intrusion associated with the Project should be evaluated in the EIR to ensure that appropriate avoidance or mitigation measures will be developed if necessary. Listed below are the potential impacts that should be evaluated in the EIR:

- change in salinity at drinking water intakes in the Delta, including bromide and chloride concentrations
- changes in compliance with water quality objectives set by the State Water Resources Control Board's Decision 1641
- changes in the position of the 2,000 parts per thousand isohaline on the Sacramento River (the "X2 position")
- changes in upstream reservoir releases needed to meet water quality objectives
- changes in salinity at Delta drinking water intakes, including increases in salinity that could "otherwise substantially degrade water quality" in the absence of standards violations (California Code of Regulations, Division 6, Chapter 3, Article 20, Appendix G).

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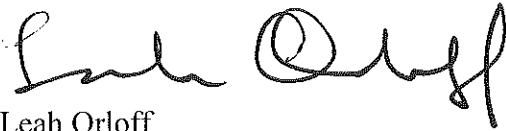
<sup>1</sup> Suisun Marsh Habitat Management, Preservation, and Restoration Plan Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR).



Dan Riordan, Department of Water Resources  
CCWD's Scoping Comments Regarding the NOP and EIR on the Prospect Island Tidal  
Habitat Restoration Project  
June 14, 2013  
Page 2

Thank you for your consideration of these comments. Please call me at (925) 688-8083  
or call Maureen Martin at (925) 688-8323 if you have any questions. We would be  
happy to meet with you to discuss water quality impacts and modeling as the Project  
goes forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Orloff". The signature is fluid and cursive, with the first name "Leah" and last name "Orloff" clearly distinguishable.

Leah Orloff  
Water Resources Manager

MM:wec

MICHAEL J. VAN ZANDT  
PARTNER  
DIRECT DIAL (415) 995-5001  
DIRECT FAX (415) 995-3566  
E-MAIL [mvanzandt@hansonbridgett.com](mailto:mvanzandt@hansonbridgett.com)



June 19, 2013

VIA E-MAIL AND FACSIMILE

Dan Riordan  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236  
Fax: 916-376-9688  
[dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)

Re: Notice of Preparation for the Prospect Island Tidal Habitat Restoration Project  
Environmental Impact Report—Comments of Reclamation District 501 – Ryer Island

Dear Mr. Riordan:

Thank you for opportunity to participate in the planning process for the proposed Prospect Island Tidal Habitat Restoration Project Environmental Impact Report. Hanson Bridgett LLP serves as legal counsel for Reclamation District 501 (RD 501) and submits these comments on its behalf.

RD 501 is a special district located on Ryer Island. Ryer Island is a developed and populated levee-protected island situated adjacent to Prospect Island on the eastern side, separated by Miner Slough. RD 501 was organized in 1887 for the purpose of operating and maintaining the levees on Ryer Island and providing drainage services to the property owners within its boundaries. In that function, RD 501 operates and maintains some 20.6 miles of flood protection levees along the perimeter of Ryer Island, 34.4 miles of interior drainage canals, and three drainage pump stations. Funding for RD 501's operation and maintenance activities is obtained from property owners via annual assessments against property receiving benefits from the district's services.

Having reviewed the Notice of Preparation (NOP) for the Prospect Island Habitat Restoration Project Environmental Impact Report, RD 501 offers the following comments for the Department of Water Resources (DWR) to consider in preparing the draft environmental document:

- Prospect Island and Ryer Island are geologically and hydrologically linked. It has been RD 501's observation that on every occasion when Prospect Island has been substantially inundated, a marked increase in soil saturation and groundwater seepage in certain areas of Ryer Island inevitably follows. RD 501's understanding is that this occurs due to the presence of horizontal sand lenses running beneath both islands, channeling infiltration of surface water rapidly along those physical corridors. Transformation of Prospect Island into permanent wetland habitat would likely increase the overall head pressure on these sand lenses, leading to greater soil saturation and

groundwater seepage on Ryer Island. The environmental impact report (EIR) should examine the geologic and hydrologic structure of Prospect Island, identify potential linkages with surrounding areas (such as sand lenses shared with Ryer Island), and consider the effects that permanent flooding of Prospect Island would have based on any linkages identified.

- As acknowledged in the NOP, the restoration project may alter flow conditions in and around Miner Slough, with the potential to cause scouring damage to Ryer Island levees. RD 501 agrees that this aspect of the project should receive careful scrutiny in the EIR. RD 501 has an obligation to maintain the Ryer Island levees. Any additional erosion or damage to those levees directly increases maintenance costs for RD 501. However, RD 501 also has concerns regarding the potential scour effects caused by changed diversion and pumping practices on a restored wetland Prospect Island. The EIR's examination of scour effects should not be limited only to changes in surface water flow caused by the proposed levee breaches on Prospect Island. The EIR's analysis of scour effects should also consider the impact of changes in surface water flow related to the location, method, and quantity of surface water diversions onto Prospect Island as well as the location, method and quantity of surface water releases from Prospect Island back into the surrounding waterways.
- The NOP describes several potential project elements involving breaches of perimeter and cross levees on Prospect Island, with the objective of creating a thoroughly inundated wetland habitat inside the boundaries of Prospect Island. RD 501 has concerns regarding where responsibility for maintenance of the remaining Prospect Island levees will rest, and how that maintenance will be conducted when the levees are surrounded by wetland habitat. Ryer Island's levees were designed based upon the presence of the Prospect Island levees, and the continued functionality of the Prospect Island levees remains important in that regard today. As the only barrier between Ryer Island and the Sacramento Deep Water Shipping Channel, the Prospect Island levees are critical to maintaining fetch length across the water within tolerable limits for the Ryer Island levees. If the levees on Prospect Island were allowed to erode, winds could build larger waves that would damage Ryer Island levees. The EIR should address the perpetual, ongoing maintenance of the remaining Prospect Island levees, identifying where responsibility for maintenance rests and describing approaches for conducting that maintenance in light of the flooded and ecologically sensitive surroundings.
- Even with adequate maintenance of the remaining Prospect Island levees, the levee breaches contemplated by the restoration project may change the overall local hydrodynamics. Accordingly, the EIR should consider how scour effects will be impacted under a variety of river conditions, particularly conditions involving high flows from upstream reservoir releases. The EIR should address how rises in river level from upstream reservoir releases will be monitored and managed to prevent scouring of the Ryer Island levees.
- The NOP states that a primary objective of the restoration project is to create rearing habitat for several endangered or potentially threatened species of native fish. The attraction of these fish to the area, particularly in their most juvenile stages, creates a need for additional safeguards to reduce the risk of harm from intake pumps used to



divert surface water for irrigation on Ryer Island. However, some potential safeguards present their own problems. For example, installing fish screens with small screen openings is very expensive and can lead to interference with pumping operations due to clogging of intake screens with silt and debris, possibly causing physical damage to the pumps themselves. The EIR should consider these issues and how to address them, such as with the implementation of Safe Harbor Agreements and appropriate mitigation measures.

- Global warming is anticipated to cause widespread and substantial rises in sea levels along the California coast. Rising sea levels will necessarily impact water levels in Delta, likely altering regional and local hydrodynamics and potentially exacerbating scour effects caused by flow changes resulting from breaches to Prospect Island levees. The EIR should consider the anticipated effects of global warming as part of its analysis of project effects on local hydrology and Ryer Island perimeter levee stability.

RD 501 looks forward to reviewing the draft EIR and providing additional comments relative to these interests as analyzed in the context of the proposed project and its various alternatives. Should you have any questions regarding RD 501's comments on the NOP, please contact me directly.

Sincerely,



Michael J. Van Zandt

cc: Neil Hamilton, President  
Board of Trustees, RD 501  
Stacey Boyd, Supt.  
Christopher H. Neudeck, Engr.

**From:** [Riordan, Dan@DWR](mailto:Riordan,Dan@DWR)  
**To:** [Chu, Ling-ru@DWR](mailto:Chu,Ling-ru@DWR)  
**Subject:** FW: Prospect Island Tidal Habitat Restoration Project, RD999 Comments.  
**Date:** Thursday, June 20, 2013 1:53:53 PM

---

-----Original Message-----

From: RecDist999 [<mailto:recdist999@sprintmail.com>]  
Sent: Thursday, June 20, 2013 1:52 PM  
To: Riordan, Dan@DWR  
Cc: Cosio, Gilbert@mbkengineers.com; Steve Heringer; Tom Slater  
Subject: Prospect Island Tidal Habitat Restoration Project, RD999 Comments.

Good Afternoon.

Reclamation District request close coordination on the flood control and seepage control elements of the project.

Contact: John Webber, [recdist999@sprintmail.com](mailto:recdist999@sprintmail.com), Tel 916-775-2144, Cell 916-417-0999

Comments: 1. The north levee of Prospect and the south east levee on Little Holland are limited height levees. These levees need to be raised to the height of RD999's unit 1 project levee and connect to the Little Holland west levee.

2. All levees need to have protection for water and wave action on both the water and land side. Levee maintenance and operations (levee patrols in high water events) need to have an agency to conduct the operations and a funding long term source.

3. The project shall not lower water quality or water levels during irrigation season.

4. This project will place flood tides in the Island during all future high water events. We ask you to consider designing operable overflow weirs that can limit the number of Island flood events and have a positive flood effect by flooding the Island in the face of high water with high tides. The controlled flooding of the Island can lower water elevation during flood flows and high tides.

Best Regards

John Webber

**From:** Toft, Rick [mailto:rickt@cityofwestsacramento.org]  
**Sent:** Monday, June 24, 2013 12:09 PM  
**To:** Riordan, Dan@DWR  
**Cc:** McEwan, Dennis@DWR  
**Subject:** Prospect Island NOP

Dan,

Please find the Port's comments below:

As the owner of the southerly 300 acres of Prospect Island, the Port of West Sacramento has a strong interest in the Prospect Island habitat project, particularly as it relates to the value of the Port's land and mitigation credits for which the property may be suitable. The Port may require the property as mitigation acreage for the deep water ship channel deepening project, and would like to coordinate with DWR to ensure that the habitat project is consistent with USACE mitigation requirements related to dredging.

We understand that the project alternatives have been modified to exclude breaching of the navigation levee. The deep water ship channel is the Port's "lifeline"; any planning, design, or construction activities related to the habitat project will need to be coordinated with the Port to minimize/eliminate impacts to navigation of the channel.

Thank you for the opportunity to comment on the NOP. Please use me as your contact person for the Port.

Regards

**Rick Toft**  
**Port of Sacramento**  
**Port Business Manager**  
**(916) 617-4880**  
**(916) 617-4565 direct**



MICHAEL J. VAN ZANDT  
PARTNER  
DIRECT DIAL (415) 995-5001  
DIRECT FAX (415) 995-3566  
E-MAIL [mvanzandt@hansonbridgett.com](mailto:mvanzandt@hansonbridgett.com)



June 19, 2013

VIA E-MAIL AND FACSIMILE

Dan Riordan  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236  
Fax: 916-376-9688  
[dan.riordan@water.ca.gov](mailto:dan.riordan@water.ca.gov)

Re: Notice of Preparation for the Prospect Island Tidal Habitat Restoration Project  
Environmental Impact Report—Comments of Islands Inc.

Dear Mr. Riordan:

Thank you for inviting Islands Inc. to participate in the planning process for the proposed Prospect Island Tidal Habitat Restoration Project Environmental Impact Report. Hanson Bridgett LLP serves as legal counsel for Islands Inc. and submits these comments on its behalf.

Islands Inc. is an agricultural enterprise that owns over 5800 acres on Ryer Island. Ryer Island is a developed and populated levee-protected island situated adjacent to Prospect Island on the eastern side, separated by Miner Slough. Islands Inc. uses a portion of its Ryer Island acreage for growing its own fruit and row crops. The remainder, Islands Inc. leases to other agricultural enterprises. Islands Inc. has a strong interest in the long-term vitality of the Delta region as both an ecosystem and home to highly productive agriculture.

Having reviewed the Notice of Preparation (NOP) for the Prospect Island Habitat Restoration Project Environmental Impact Report, Islands Inc. offers the following comments for the Department of Water Resources (DWR) to consider in preparing the draft environmental document:

- Prospect Island and Ryer Island are geologically and hydrologically linked. It has been Islands Inc.'s observation that on every occasion when Prospect Island has been substantially inundated, a marked increase in soil saturation and groundwater seepage in certain areas of Ryer Island inevitably follows. Islands Inc.'s understanding is that this occurs due to the presence of horizontal sand lenses running beneath both islands, channeling infiltration of surface water rapidly along those physical corridors. Transformation of Prospect Island into permanent wetland habitat would likely increase the overall head pressure on these sand lenses, leading to greater soil saturation and groundwater seepage on Ryer Island. The environmental impact report (EIR) should examine the geologic and hydrologic structure of Prospect Island, identify potential linkages with surrounding areas (such as sand lenses shared with Ryer Island), and

consider the effects that permanent flooding of Prospect Island would have based on any linkages identified.

- As acknowledged in the NOP, the restoration project may alter flow conditions in and around Miner Slough, with the potential to cause scouring damage to Ryer Island levees. Islands Inc. agrees that this aspect of the project should receive careful scrutiny in the EIR. However, Islands Inc. also has concerns regarding the potential scour effects caused by changed diversion and pumping practices on a restored wetland Prospect Island. The EIR's examination of scour effects should not be limited only to changes in surface water flow caused by the proposed levee breaches on Prospect Island. The EIR's analysis of scour effects should also consider the impact of changes in surface water flow related to the location, method, and quantity of surface water diversions onto Prospect Island as well as the location, method and quantity of surface water releases from Prospect Island back into the surrounding waterways.
- The NOP describes several potential project elements involving breaches of perimeter and cross levees on Prospect Island, with the objective of creating a thoroughly inundated wetland habitat inside the boundaries of Prospect Island. Islands Inc. has concerns regarding where responsibility for maintenance of the remaining Prospect Island levees will rest, and how that maintenance will be conducted when the levees are surrounded by wetland habitat. Ryer Island's levees were designed based upon the presence of the Prospect Island levees, and the continued functionality of the Prospect Island levees remains important in that regard today. As the only barrier between Ryer Island and the Sacramento Deep Water Shipping Channel, the Prospect Island levees are critical to maintaining fetch length across the water within tolerable limits for the Ryer Island levees. If the levees on Prospect Island were allowed to erode, winds could build larger waves that would damage Ryer Island levees. The EIR should address the perpetual, ongoing maintenance of the remaining Prospect Island levees, identifying where responsibility for maintenance rests and describing approaches for conducting that maintenance in light of the flooded and ecologically sensitive surroundings.
- Even with adequate maintenance of the remaining Prospect Island levees, the levee breaches contemplated by the restoration project may change the overall local hydrodynamics. Accordingly, the EIR should consider how scour effects will be impacted under a variety of river conditions, particularly conditions involving high flows from upstream reservoir releases. The EIR should address how rises in river level from upstream reservoir releases will be monitored and managed to prevent scouring of the Ryer Island levees.
- Islands Inc. is also concerned about how diversions of surface water onto and return flows from Prospect Island will be monitored and managed. Surface water diversions are subject to restrictions in time, quantity, and location, as determined by established water rights. The use of Prospect Island as wetland habitat necessarily involves substantially different use of water as compared to the historic agricultural activities on Prospect Island. Further, by flooding Prospect Island, the project will be creating a large evaporation pond. The EIR should consider how use of water on Prospect Island will be monitored and managed to ensure that consumptive use remains within the limits of

existing Prospect Island water rights, and that the interests of other water rights holders are not injured.

- The NOP states that a primary objective of the restoration project is to create rearing habitat for several endangered or potentially threatened species of native fish. The attraction of these fish to the area, particularly in their most juvenile stages, creates a need for additional safeguards to reduce the risk of harm from intake pumps used to divert surface water for irrigation on Ryer Island. However, some potential safeguards present their own problems. For example, installing fish screens with small screen openings is very expensive and can lead to interference with pumping operations due to clogging of intake screens with silt and debris, possibly causing physical damage to the pumps themselves. The EIR should consider these issues and how to address them, such as with the implementation of Safe Harbor Agreements and appropriate mitigation measures.
- As acknowledged in the NOP, the restoration project is intended to satisfy habitat restoration offset objectives related to the Bay Delta Conservation Plan, and ultimately to the larger objective of coordinating the operation of state and federal water projects to facilitate the transport of water to southern California. Any cross-regional water transfer involving Delta water supply obviously has the potential to impact local water salinity levels around Ryer Island. But, the alteration of existing flow patterns due to Prospect Island levee breaches has the potential to alter local water salinity levels around Ryer Island, as well. The EIR should incorporate continued monitoring of local water salinity levels, with particular attention to how changed flow conditions from the proposed Prospect Island levee breaches could impact local water salinity conditions, both under current conditions, and under future conditions expected to occur as a result of reasonably anticipated cross-regional water transfer agreements.
- Global warming is anticipated to cause widespread and substantial rises in sea levels along the California coast. Rising sea levels will necessarily impact water levels in Delta. Rising sea levels would also impact water quality in the Delta, particularly with regard to salt water intrusion. The EIR should consider the anticipated effects of global warming as part of its analysis of project effects on local hydrology, water quality, and perimeter levee stability impacting Ryer Island.

Islands Inc. looks forward to reviewing the draft EIR and providing additional comments relative to these interests as analyzed in the context of the proposed project and its various alternatives.



Dan Riordan  
June 19, 2013  
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Should you have any questions regarding Islands Inc.'s comments on the NOP, please contact me directly.

Sincerely,



Michael J. Van Zandt

cc: Tom Hester, Islands Inc.  
Christopher H. Neudeck, Engr.

KEARNS & WEST, INC.,  
ON BEHALF OF  
CALIFORNIA DEPARTMENT OF WATER RESOURCES (CDWR)

IN THE MATTER OF  
FISH RESORATION PROGRAM AGREEMENT (FRPA)  
PROSPECT ISLAND TIDAL HABITAT RESTORATION PROJECT

SCOPING MEETING  
WEST SACRAMENTO COMMUNITY CENTER  
1075 WEST CAPITOL AVENUE  
WEST SACRAMENTO, CALIFORNIA

MONDAY, JUNE 10, 2013

7:17 P.M.

REPORTED BY:  
PETER PETTY

Peter Petty, Certified Electronic Reporter

4632 Freeman Way, Sacramento, CA 95819 (916) 737-2505

## APPEARANCES

Kearns & West, Inc.

Eric Poncelet  
Julia Golomb

CDWRStaff Present

Dennis McEwan  
Dan Riordan  
Laura Flourney  
Pam Conavay  
Ling Chu  
Gina Benigno

WWR (Water Resources)

Richard Grasseti (Grasseti Environmental)  
Stuart Siegel  
Melissa Carter  
Noah Hume (Consultant)

CDFW (Fish & Wildlife)

Jim Starr  
John Downs

ALSO PRESENTPublic Comment

John Brimmer  
Tom Hester  
Dave Stringer  
Kathy Brimmer

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1 P R O C E E D I N G S

2 JUNE 10, 2013 7:17 P.M.

3 MR. MC EWAN: Why don't we go ahead and get  
4 started. Thanks for coming everybody, appreciate you  
5 being here.

6 My name is Dennis McEwan. I'm an  
7 Environmental Program Manager with the California  
8 Department of Water Resources.

9 So, the purpose of tonight's meeting, as I'm  
10 sure you're aware, the Department of Water Resources put  
11 out a notice that we are beginning to prepare an  
12 Environmental Impact Report for the Prospect Island,  
13 Tidal Habitat Restoration Project.

14 So, this is the first step in the  
15 environmental analysis process, the first -- I should  
16 say the first step for getting public input.

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1           And the reason we're here is to solicit  
2 information from you all as to what you believe we need  
3 to look at in this environmental document. So, that's  
4 why we're here.

5           We've got a short series of presentations,  
6 first, and then we'll open it up for public comment.

7           And before we get into that, I thought I would  
8 introduce some of the staff that are here today.

9           Eric Poncelet, one of our consultants on the  
10 project. And when I'm finished he's going to go over  
11 the agenda, some of the ground rules, and stuff like  
12 that.

13           To his left is Dan Riordan. Dan is the  
14 Project Manager for the Department of Water Resources  
15 for the Prospect Island Project.

16           Richard Grassetti, to his left, another one of  
17 our consultants, Grassetti Environmental.

18           And then his left is Stuart Siegel, one of our  
19 chief consultants on the project as well, Wetlands and  
20 Water Resources.

21           We have Gina Benigno. Raise your hand, Gina.  
22 She's on the Fish Restoration Program staff of the  
23 Department of Water Resources, Laura Flournoy, as well,

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1 Ling-Ru Chu, Pamela Lindholm.

2 And in back are our California Department of  
3 Water Resources partners, also on the Fish Restoration  
4 Program, Jim Starr, Environmental Program Manager,  
5 California Department of Water -- did I say Water  
6 Resources? I'm sorry, California Department of Fish &  
7 Wildlife, formerly the California Department of Fish &  
8 Game. And then John Downs to his left, also on that  
9 program, and Noah Hume, also another one of our  
10 consultants.

11 And did I miss anybody?

12 Okay, would you folks like to introduce  
13 yourselves?

14 MR. BRIMMER: We're the people that are  
15 affected by all of you people.

16 (Laughter)

17 MR. BRIMMER: There seems to be only two of  
18 us, or three of us. We live on Ryer Island, I'm John  
19 Brimmer.

20 MR. HESTER: Tom Hester.

21 MR. MC EWAN: Right. I think we've all met  
22 before, so okay.

23 MR. STRINGER: Dave Stringer.

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1                   MR. MC EWAN:   Okay, great.   Welcome, glad  
2   you're here.

3                   Okay, I'm going to turn it over to Eric.

4                   MR. PONCELET:   Thank you, Dennis.   I think  
5   Dennis already talked about the objectives for the  
6   evening.   In terms of the way the meeting's going to  
7   progress, it's going to be pretty straight forward.  
8   We're going to start with some brief presentations  
9   describing the Prospect Island Tidal Habitat Restoration  
10  Project.

11                  And then we want to make sure that everyone  
12  here tonight has a good understand of what that project  
13  is, and where we are in the environmental impact report  
14  and the CEQA process.

15                  And then the main purpose for tonight is  
16  really to take public comment and we have a robust  
17  amount of time to do that.   And I'm hoping that folks  
18  here tonight will be making oral comment, but we can  
19  also take written comment.   And the public comment  
20  period is open until the 21st of June, as we'll hear  
21  more.

22                  In terms of how the public comment process  
23  will take place, if you're interested to make an oral

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1 comment tonight you, in your packet, got a blue card and  
2 we just ask that you fill that out, put your name on it  
3 and then hand that to my colleague Julia Golomb. Julia,  
4 raise your hand. Oh, she's behind you guys there. And  
5 just hand it to her and she'll pass those on to me, and  
6 we'll take them in the order that we receive them.

7           We're really asking folks tonight to focus the  
8 comments on the particular scope of the meeting tonight  
9 which, again, is on the Prospect Island Environmental  
10 Impact Report.

11           One other thing I want to note is we do have  
12 one other person who didn't get introduced tonight,  
13 Peter Petty --

14           THE REPORTER: Yeah.

15           MR. PONCELET: -- who's our court reporter.  
16 He will be capturing all the comments verbatim this  
17 evening and we will be preparing a scoping report that  
18 incorporates the comments for tonight, as well as other  
19 written comments received during the comment period.

20           And tonight, I don't think this is a big  
21 issue, but we were looking to limit comments to three  
22 minutes.

23           One other thing is that we do, even though

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1 we're inviting oral comment tonight, that we do  
2 encourage written comments if you're -- even if you  
3 provide oral comment tonight and you think about this  
4 tomorrow, you have a couple more weeks until the 21st.  
5 Please consider and feel free to submit additional  
6 comments in writing.

7           And those instructions are on the yellow  
8 comment sheet that you guys were provided with and that  
9 gives the e-mail address of Dan Riordan, who will be  
10 collecting those.

11           So, that's basically how the comments work.

12           We have a couple of ground rules tonight that  
13 I just wanted to go over. Obviously, we want to  
14 encourage everybody to participate tonight and, again,  
15 just want to focus on the specific purpose of this  
16 evening, which is really the environmental impact  
17 report, and the CEQA process. And in particular we're  
18 looking to hear from participants about what are some of  
19 the environmental issues, or concerns, or alternatives  
20 that should be evaluated as part of the environmental  
21 impact report process. And that's the nugget. That's  
22 why we're here and what we're hoping to hear from you.

23           This is not intended to be a general public

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1 debate or hearing on the topic of FRPA or on restoration  
2 projects in the Delta more broadly. So, we do ask you  
3 to focus your comments.

4 Again, I'll ask everybody to have one person  
5 speak at a time. Please be respectful.

6 And then, finally, if you do have cell phones,  
7 as I do, please remember to turn them off or onto silent  
8 mode.

9 So, does that work for folks for tonight? I  
10 know you're getting a formal presentation for a very  
11 informal group here, but I think this will help us  
12 proceed in I think a way that will be productive for  
13 everybody.

14 All right, one other piece of process that we  
15 do want to describe before we jump into the description  
16 of the Fish Restoration Program Agreement and the  
17 Prospect Island Project is to describe how the CEQA  
18 process works.

19 And I've given you a little bit of a preview  
20 to that, but I'd like to invite Richard Grasseti to  
21 come up.

22 MR. GRASSETTI: Okay, as Eric mentioned, this  
23 is what's called a scoping meeting and it's the first

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1 step in the CEQA process, the California Environmental  
2 Quality Act process, which is the process intended to  
3 look at environmental issues and to give the public and  
4 the decision makers all the necessary environmental  
5 information on the project and alternatives to the  
6 project.

7           So, the first step is this meeting. The  
8 Notice of Preparation actually was the first step and  
9 that went out a few weeks ago.

10           There has to be a minimum of 30 days between  
11 when the Notice of Preparation goes out and when any  
12 sort of Environmental Impact Report can be issued. It  
13 will be longer than that. But you have 30 days formally  
14 to comment on the Notice of Preparation.

15           And this scoping hearing is to allow you to  
16 verbally comment on that -- on what you want to see  
17 covered in the Environmental Impact Report.

18           So, a decision was made to do a full  
19 Environmental Impact Report on the project and now we're  
20 trying to make sure that we cover all of the issues that  
21 we need to cover, and this is part of that process.

22           Once the -- once we get all the comments, in  
23 terms of what people want to see covered, the issues

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1 people want to see covered in the Environmental Impact  
2 Report, we'll start working on the Environmental Impact  
3 Report.

4 And it will be sometime in the winter or  
5 spring of next year a public draft version of that  
6 report will go out, it's called the Draft Environmental  
7 Impact Report. And that will go out to all the  
8 agencies. It also goes out to anybody requesting a copy  
9 of it. It will go to libraries and it will be  
10 available, presumably, online as well.

11 And you will have 45 days to comment on the  
12 adequacy of that report. And the comments at that point  
13 would be -- for example, if you still think that there's  
14 something that needs to be better addressed, that wasn't  
15 addressed as well as you'd like, that's your opportunity  
16 to comment again and make sure that we get it right.

17 And so there's a 45-day period there. There  
18 will be a public hearing at that point, also, sort of  
19 like this hearing where you can put in orally your  
20 comments on the Draft Environmental Impact Report.

21 So, you get a couple of bites at the apple.  
22 This is the first chance, then we'll reduce the report,  
23 and then you'll get to look at it and put in your

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1 comments, again, or any new comments, or any things that  
2 you find that wasn't done right, or needs more  
3 explanation, or something changed, something new showed  
4 up out there that you'd let us know about that.

5           And then we can work that into what's called  
6 the Final Environmental Impact Report. And so the Final  
7 Environmental Impact Report is we take all of your  
8 comments on the draft report and respond to them in  
9 writing.

10           And again, the comments will be oral and  
11 written, but we encourage you to do written comments as  
12 much as possible.

13           So, once that document is done, the Final  
14 Environmental Impact Report is done, then the Department  
15 of Water Resources, as the lead agency for this  
16 project, lead agency meaning they are in charge of doing  
17 the CEQA process, and they will then consider project  
18 approval.

19           And if they approve the project, they will do  
20 a series of findings that are required under the  
21 California Environmental Quality Act with respect to  
22 mitigation measures, and alternatives, and if there's  
23 any significant unavoidable impacts. And they'll

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1 prepare a mitigation monitoring program.

2 And at that point, if they approve the  
3 project, they'll issue something called a Notice of  
4 Determination and that completes the CEQA process. And  
5 that we're looking at probably, what, late 2014 for that  
6 to occur.

7 MR. PONCELET: All right, thank you, Richard.  
8 So, just to remind folks, if you do want to make an oral  
9 comment tonight just please, just fill this out and hand  
10 it to Julia or me. And again, if you would like to  
11 submit written comments tonight, this is the yellow  
12 form. Please fill that out and there's a box for  
13 collecting those in the back.

14 Any questions on the process for tonight?  
15 Please.

16 MR. BRIMMER: Just a question about me, do we  
17 need to fill any of these out to ask questions about all  
18 of this or is this -- is that a -- do we need to fill  
19 out a speaker card to require --

20 MR. PONCELET: To just ask questions about the  
21 process?

22 MR. BRIMMER: Yeah.

23 MR. PONCELET: No. I think, so, on that note

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1 we'll be doing, now, some substantive presentations  
2 about the program and the project.

3 And if, over the course of that, your  
4 questions aren't answered and you have any confusions  
5 about something that will be, I think, the best time to  
6 ask those questions.

7 MR. BRIMMER: Thank you.

8 MR. PONCELET: Does that work?

9 MR. BRIMMER: Yeah, uh-hum.

10 MR. PONCELET: All right. So, let's move on,  
11 then, to the next step.

12 MR. MC EWAN: Yeah, I think a lot of our  
13 perceived formality here is that at a lot of these  
14 scoping sessions you can have a large crowd and we need  
15 to have some procedures.

16 But with a small crowd like this, I don't  
17 think it really is.

18 So, I'm going to talk a little bit about the  
19 Fish Restoration Program Agreement. Prospect Island  
20 restoration is being done under the auspices of this  
21 program, so I want to tell you a little bit about what  
22 that is. And then when I'm done, Dan's going to talk  
23 more specifically about Prospect Island.

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1           Let me see if I can work this. There we go.  
2   Okay, so what is driving all of this, and I think you  
3   folks are probably familiar with this, there's been  
4   several listings of -- or several listings of fishes  
5   under both the Federal and the California State  
6   Endangered Species Act, Delta Smelt, Longfin Smelt,  
7   Central Valley Steelhead, winter run and spring run  
8   Chinook Salmon, and Green Sturgeon.

9           So, because of these listings, the two Federal  
10   agencies and the State agency that are in charge of  
11   those respective Endangered Species Act write what's  
12   called a biological opinion. And it's basically opinion  
13   on any activity that may affect the listed species.

14           In this case, the biological opinions were for  
15   the State Water Project and the Federal Central Valley  
16   Project water projects that pump water out of the Delta.

17           And in the biological opinions there's a whole  
18   slew of requirements for the agencies that are in charge  
19   of those projects.

20           And one small part of the biological opinions  
21   are the requirements for habitat restoration. And  
22   that's what the Fish Restoration Program is dealing  
23   with, the habitat restoration requirements that are

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1 within those biological opinions.

2 And I should say, also, the California  
3 Department of Fish & Wildlife incidental take permit for  
4 Longfin Smelt because of the State listing of Longfin  
5 Smelt.

6 So, chief among those are we are charged with  
7 or we're required to restore 8,000 acres of inner tidal  
8 and associated sub-tidal habitat under the Delta Smelt  
9 biological opinion.

10 We are to restore a substantial amount of some  
11 habitat for Salmon and Steelhead in the Delta, and also  
12 to enhance existing habitat in the Liberty Island and  
13 the Lower Cache Slough area, and that's under the  
14 National Fishery Service and Sturgeon biological  
15 opinion.

16 And then last, but not least, we have the  
17 California Department of Fish & Wildlife Longfin Smelt  
18 incidental take permit for the projects that require the  
19 restoration of 800 acres of brackish tidal habitat.  
20 This will be somewhere in the Suisun Marsh, Suisun Bay  
21 Area.

22 And then last, but not least, the Department  
23 of Water Resources now has an environmental stewardship

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1 policy which basically says we need to -- our actions  
2 need to contribute to the recovery of these listed  
3 species.

4           So, when these biological opinions came out in  
5 2008 and 2009, I believe it was, or 2009 and 2010 --  
6 2008 and 2009, our two departments, the Department of  
7 Water Resources and the California Department of Fish &  
8 Wildlife got together basically to talk at first, and to  
9 decide how our two agencies are going to work together  
10 to try to implement these habitat restoration projects.

11           And that's where the Fish Restoration Program  
12 Agreement or FRPA was born. And it was hammered out  
13 over a series of a couple of years, an interagency  
14 agreement between the two State agencies. It was  
15 executed in October of 2010. And as I mentioned, it's a  
16 joint DWR and DFW program to fulfill the habitat  
17 restoration requirements.

18           And basically, the agreement establishes the  
19 framework for selecting, funding, implementing and  
20 managing the restoration projects.

21           One of the first things we produced was our  
22 implementation plan, called the Implementation Strategy.  
23 We released that in March of 2012. There was a public

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1 review process on the draft of this and we took comments  
2 and incorporated that into the final document.

3           We have a few copies back there and we have  
4 some other material back there if folks want to take  
5 some of this stuff home for some rather light reading  
6 later on.

7           One of the things that we have in the  
8 Implementation Strategy are the goals and objectives of  
9 the FRPA program. First and foremost to restore 8,000  
10 acres of tidal habitat and we don't want to just focus  
11 on habitat. What we want to focus also on are restoring  
12 the function and processes that promote some of the  
13 ecological conditions that are necessary to support some  
14 of these listed fishes, primarily productivity and the  
15 export of that productivity outside of the marsh areas,  
16 the tidal habitat areas and into the interior Delta to  
17 try to feed some of the -- or to enhance the food web in  
18 other parts of the Delta for these fishes, also, to  
19 increase the amount and quality of Salmonid growing  
20 habitat and free Delta survival of juvenile Salmon and  
21 Steelhead.

22           The Delta at one time was an extremely  
23 important growing area for salmon and steelhead before

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1 they go to the ocean. It's very important that we try  
2 to restore a little bit of that function.

3 Another real important goal was to -- or  
4 objective, I should say, to include other agencies,  
5 stakeholders and the public in the decision making  
6 process.

7 And we take this very seriously. For the  
8 past, oh, three or four months we've been meeting with  
9 various stakeholder groups. Tom, we met with your  
10 Reclamation District. We met with Solano County Water  
11 Agency, Solano County, Yolo County, North Delta Water  
12 Agency.

13 MR. RIORDAN: The Delta Protection Commission.

14 MR. MC EWAN: The Delta Protection Commission,  
15 thank you Dan. And a few others, those are just a few.  
16 So, we really want to -- we take this seriously.

17 Another objective is to use sound science and  
18 current information. The Delta is -- has -- there's  
19 been quite a bit of research and studies that have gone  
20 on in the Delta in the past, say, 50 years almost and  
21 some of this has really intensified in the last ten  
22 years. There's a lot of good information coming out,  
23 now, hopefully to guide us in these restoration

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1 projects.

2 And last, but not least, we need to maintain  
3 consistency with other Delta plans and programs. As I'm  
4 sure you know, there's a lot going on in the Delta,  
5 we're just one small part, but we need to maintain  
6 consistency with those other programs.

7 And probably the most important one is the  
8 Delta Plan that just came out from the Delta Stewardship  
9 Council.

10 So with that, I think I'll turn it over to Dan  
11 to talk about Prospect Island.

12 MR. RIORDAN: Thank you, Dennis.

13 All right, so I'm going to start out with  
14 just --

15 MR. PONCELET: Can folks hear? The music's a  
16 bit loud. I can have that turned off.

17 MR. RIORDAN: All right, so I'm going to give  
18 you an overview, really, of the project and how it's  
19 going. I'll start out with the history and existing  
20 conditions, tell you why we're doing -- why we chose  
21 Prospect Island to do some restoration, kind of our  
22 planning process, design features, potential CEQA  
23 actions that we're going to be evaluating and issues for

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1 the Environmental Impact Report, which is why we're here  
2 tonight.

3 All right, with this group I don't really need  
4 to tell you where Prospect Island is. I think we all  
5 know, you guys better than us.

6 So, historically, Prospect Island was farmed  
7 and in 1994 it was purchased by the Bureau of  
8 Reclamation. They wanted to make it part of the North  
9 Delta National Wildlife Refuge.

10 Well, in 2000 Congress failed to authorize the  
11 NDWA, and the Bureau was stuck with a piece of property  
12 that they weren't really sure what to do with.

13 And as you probably know, there's been  
14 numerous breaches around the island. In 2007 there was  
15 a pretty significant fish kill that went along with some  
16 of those breaches. And at that point the Bureau was  
17 really kind of antsy to get rid of it and DWR was able  
18 to obtain it under the Public Benefit Conveyance  
19 Process, where they make properties available to State  
20 or public agencies.

21 It shows up on that diagram, but that purple,  
22 the purple border around the northern part of Prospect  
23 Island, that signifies what DWR owns, about the northern

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1 three-quarters, which is about 1,300 acres.

2           The southern portion is owned by the Port of  
3 West Sacramento. We are working with the Port of West  
4 Sacramento to try and incorporate both parts of the  
5 island into our project here.

6           West Sac uses their property for dredge  
7 spoils, I believe, for their dredging, just maintenance  
8 dredging on the deep watershed channel.

9           And as you probably know right now, Prospect  
10 Island has pretty much gone feral. There's a lot of  
11 submerged aquatic vegetation, lots of water fowl,  
12 pelicans. Beavers, as you probably, working on our  
13 levies there to try and breach them for us, and various  
14 things like that.

15           So, you might be wondering why we actually  
16 chose Prospect Island. So, we really have three main  
17 reasons. First of all, it's publicly owned, which you  
18 can't say that about a whole lot of properties in the  
19 Delta.

20           Another reason is the elevations on Prospect  
21 Island really are suitable for the type of restoration  
22 that we need to do. As we all know, the Delta is very  
23 subsided. As you get more to the Cache Slough area and

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1 Prospect Island the elevations are a little bit higher.  
2 So, thinking about global warming and sea level rise,  
3 that lends itself to be pretty good properties, at least  
4 in the immediate future and, hopefully, in sort of long-  
5 term future for doing the type of restoration that we  
6 need to do.

7           It's also -- you may or may not know, it's a  
8 pretty good location in that it's right next to some  
9 prime Delta Smelt habitat, which is in the deep water  
10 ship channel.

11           And the estuary, that's one of -- that's  
12 really one of the hot spots for people finding Delta  
13 Smelt.

14           I'm not going to go into this process too  
15 much, but just so you guys know this is the process that  
16 we look at or that we're going to be using in doing our  
17 restoration projects.

18           Right now in Prospect, all of the blue squares  
19 there are things that we've actually completed. We've  
20 done phase one modeling. We've looked at those  
21 alternatives. We had 15 alternatives that were put  
22 through a phase one modeling and those 15 were evaluated  
23 by a panel of experts.

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1           We've done feasibility reviews. The green  
2 boxes and all those there are things that are actually  
3 in progress right now. So, we're going to do into some  
4 more in-depth modeling. We took what the expert panel  
5 told us in our DREP evaluation, off of the phase one  
6 results, and we're going to choose five alternatives to  
7 evaluate in the EIR.

8           And we are currently coming up with criteria  
9 and thresholds that we want to look at in that more  
10 detailed phase two modeling, also drafting a restoration  
11 plan.

12           That red star indicates kind of where we're at  
13 right now. We're in the EIR process and the very  
14 beginning phases of the scoping meeting and the NOP.

15           We've also started looking at the different  
16 permits that we're going to need and, as you guys might  
17 know, there's a lot of them. And construction and  
18 management of the project, actually after it's been  
19 constructed, you know, monitoring and things like that,  
20 that's going to be in the future.

21           But this is kind of our blueprint for how  
22 we're going to go about doing our restoration projects.

23           Now, this is -- we call this our menu slide.

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1 Those orange dots there and the yellow dot are potential  
2 levy breaches. The blue square up there at the north,  
3 which is close to Arrowhead Marina, is a potential  
4 overhead weir.

5 Now, this is not what the restoration project  
6 is going to look like when it's completed. It's going  
7 to be some mix and match of these different components.  
8 So, it might be decided that we do just on breach around  
9 the island or it may be two.

10 But this is, like I said, it's our menu slide.  
11 This kind of gives you all of the options that we're  
12 evaluating.

13 MR. MC EWAN: And please don't take where the  
14 locations are to be the locations for the actual  
15 breaches. So, we don't know that, yet, but we're just  
16 showing some of the elements up here that could go into  
17 it.

18 MR. RIORDAN: Thank you. And this is a --  
19 yeah, this is a slide that requires some explanation.

20 Now, the yellow lines there are potential  
21 tidal channels that would be -- we would excavate, do  
22 some excavation and potentially connect some of our  
23 breach sites.

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1           Those orange dotted lines there are secondary  
2 channels that will just come off of those -- off the  
3 tidal channels.

4           Is there anything that you guys think I  
5 should -- we should talk about in this slide? I don't  
6 always do this one justice like I'd like to.

7           MR. SIEGEL: One thing I might add is that  
8 we're also looking at different measures to have the  
9 eastern, the levy along Miner's Slough be reinforced so  
10 that while there might be a breach location in it --  
11 there we go.

12           So, the idea is that we want to have the  
13 eastern levy along Miner's Slough remain intact with  
14 the -- so, one thing we haven't shown here is different  
15 approaches to preserving the integrity of that levy,  
16 even with one of our breaches in it. And that's for the  
17 purpose of protecting the Ryer Island levy on the east  
18 side of Miner's Slough.

19           MR. RIORDAN: Thank you. And if anybody has  
20 any questions after this, we can go on that slide in  
21 particular a little bit.

22           So, potential CEQA actions that this project  
23 might include are breaching levies. You know, we need

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1 to breach levies around Prospect Island to put water on  
2 it and make it open to tidal action, potentially  
3 installing the weir that I showed at the northern end of  
4 the island, excavating channels within the island and  
5 somewhere -- and putting those soils that we excavate  
6 somewhere along Prospect. You know, possibly as  
7 reinforcing levies. We're not sure of the analysis that  
8 would go into that.

9           It's also possible that we would need to  
10 import clean soil from site that we don't know, yet, if  
11 we need to reinforce the levies, like Stuart mentioned.

12           Also addressing adjacent property access, so  
13 the Stringers and the Halls.

14           Controlling invasive species, I don't know if  
15 I mentioned that, but there is a lot of submerged  
16 aquatic veg on the island right now which, for the  
17 species that we're trying to protect, you know, the fish  
18 species, the Smelt and the migrating, the juvenile  
19 stringers, that submerged aquatic veg is great habitat  
20 for things like Striped Bass and Large Mouth Bass to  
21 hide in. You know, those ambush predators like that, so  
22 the small fish come in and they're just getting picked  
23 off.

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1           So, we want to try to keep submerged aquatic  
2   veg out of our restoration sites. Try, that's really  
3   one of our goals, and also reinforcing the levies, as  
4   Stuart mentioned.

5           So, these next three or four slides, these are  
6   general issues that have been identified that we need to  
7   analyze in our EIR. This is a pretty standard thing for  
8   all EIRs, but looking at air quality and greenhouse  
9   gasses when you actually go to construction, so with the  
10   construction equipment, agricultural resources, if  
11   you're affecting those.

12           Cultural resources, so if there are Native  
13   American burial sites or things of that nature, looking  
14   at geology and soils, soil stability.

15           Looking at the biological resources and also  
16   aquatic, the effects of levy breaches and are we going  
17   to be making anything worse than it already is by  
18   breaching levies and then looking at the wetlands and  
19   terrestrial impacts.

20           And like I said we'll make this presentation  
21   available on our website and if anybody wants to e-mail  
22   me and would like a copy of it, I'd be more than happy  
23   to send it to you.

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1           So, like I said, I'm going to blow through  
2 these a little bit here.

3           MR. SIEGEL: And I'll also say that all of  
4 this information on these slides is in the Notice of  
5 Preparation document that, hopefully, you all received.

6           MR. MC EWAN: As well as Dan's contact  
7 information is on that last page.

8           MR. RIORDAN: Yeah. So, looking at hydrology,  
9 like Dennis mentioned, and in particular looking at --  
10 well, I shouldn't say in particular. But one of the  
11 things that we'll be looking at are the impacts on the  
12 Ryer Island Levy. It's possible that by opening up  
13 levies on Prospect Island that the flows are going to  
14 increase going down Miner's Slough, which would have an  
15 effect on us and on Ryer Island. And also water coming  
16 off of those breaches across from Ryer Island and the  
17 effects on those levies, so that will be evaluated.

18           Also looking at water quality, through the  
19 construction or, you know, excavation of soils and  
20 sediments, anything that might get churned up, any type  
21 of water quality of -- there's tons of issues that we  
22 can look at there that will be monitored and evaluated.

23           Hazards and hazardous material, one of the

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1 hazards, like I said, could be increased flows. So, in  
2 particular, if you're thinking about Arrowhead Marina,  
3 if we're increasing flows around Miner's Slough and  
4 coming down out towards Cache Slough that could have  
5 negative impacts on boaters who are going into there, so  
6 that's something that we'll evaluate.

7           Recreational, I mentioned Arrowhead Marina.

8           Fishing activities, again, that's going to be  
9 the flows and how it affects the small vessels.

10           And then other issues, aesthetics, land use,  
11 mineral resources, things like that.

12           MR. MC EWAN: So, Dan, let me just interject  
13 something really quick, something that I know you folks  
14 are concerned with.

15           The study that we're doing, looking at the  
16 hydrologic connection between Prospect and Ryer, that  
17 will be finished, as I mentioned, sometime this fall and  
18 that will be incorporated into the environmental  
19 document. So, we will be looking at that in great  
20 detail.

21           MR. RIORDAN: Sorry for not mentioning it. Go  
22 ahead. I was going to say sorry for not mentioning it.  
23 That is definitely on the top of our list.

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1           So, the schedule that we're following and this  
2   is a very condensed version of it, but this essentially  
3   is where we are right now. Hopefully, we will be  
4   finishing up our baseline data collection this fall.  
5   The design is constantly ongoing. Right now we're in  
6   the CEQA process and starting to look at the different  
7   permits that we're going to need.

8           Interim management of the site, which is  
9   looking at the integrity of the levies right now, we  
10  actually just had a levy inspection report come out. We  
11  don't want the levies to breach where we haven't modeled  
12  them. So, its potential -- you know, as we all know,  
13  these levies are -- you know, they're not as strong as  
14  they could be. And if they breach in a spot that's not  
15  going to give us the ideal, that's not going to meet our  
16  objectives of this project which are to, you know,  
17  increase the quality fish habitat for the species that  
18  we're really targeting. So the migrating Salmonids and  
19  the Delta Smelt and, also, trying to keep away the  
20  submerged aquatic veg that is really good for the Bass  
21  that we really don't want to encourage to be on the  
22  island.

23           We need to fix those levies and -- you know,

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1 in the interim fix those levies to -- well, we don't  
2 want to spend a ton of money doing it because we're  
3 going to be breaching levies anyways, but it's something  
4 that we need to definitely think about and try to make  
5 sure that these breaches happen where all of our science  
6 and research shows that it's best for them to happen.

7 And then to take it home, we'll hopefully go  
8 into construction in 2016.

9 And that pretty much finishes up my talk. My  
10 information is on the packet that you have there. Like  
11 they said, if you choose to mail in your comments just  
12 have them postmarked by the 21st, but you can e-mail me.  
13 That would be fine, also. I think that's the --

14 MR. BRIMMER: I have a couple of questions.

15 MR. RIORDAN: Okay.

16 THE REPORTER: Can you speak into the mic so I  
17 can pick you up for the record.

18 MR. BRIMMER: Okay, I thought I read somewhere  
19 that you were going to breach the levy into the deep  
20 water channel so you've got cross flow from Miner's  
21 Slough into the deep water channel. That map didn't show  
22 me that.

23 MR. RIORDAN: That's right, that was one of

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1 our initial ideas was to breach those levies. The Corp  
2 has since said that if we breach those levies it would  
3 mean decommissioning the Navigational Project. So,  
4 those options, because of -- we wouldn't -- we probably  
5 would not get our permits if we breach levies on the  
6 ship channel, so we removed those alternatives from the  
7 analysis.

8 MR. BRIMMER: The next question, are you -- is  
9 this tied in any way to Governor Brown's water program,  
10 to where is the water height on Prospect ever going to  
11 exceed the level of the river currently in Miner's  
12 Slough right now?

13 MR. RIORDAN: I don't know the answer to that.

14 MR. MC EWAN: Exceed the -- so it would be  
15 higher than the --

16 MR. BRIMMER: Well, I mean if you just breach  
17 the levy and the tide comes in, and typical tide-in pool  
18 or tide situation the water would rise on the island and  
19 it would fall as the tide goes out.

20 MR. MC EWAN: Right, right.

21 MR. BRIMMER: Are you going to trap that water  
22 in there and hold it as a holding pond for later use or  
23 whatever? That's been one of Governor Brown's issues.

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1           MR. MC EWAN: Oh, no, no, no. Yeah, no, this  
2 is going to be strictly a restoration project. There's  
3 not going to be any sort of water storage or anything  
4 like that.

5           MR. BRIMMER: Okay, on the weirs that you put  
6 in to allow the water in and out, are these going to be  
7 navigable, so you open this up to duck hunters and all  
8 that stuff? Because that's what, officially, I guess,  
9 keeps them on the Prospect. If they can take a boat  
10 through there, they can hunt it.

11           MR. MC EWAN: Yeah --

12           MR. PONCELET: Dennis, can I ask you to come  
13 up just to capture the mic?

14           MR. MC EWAN: Sure. So, we're looking  
15 primarily to bring water on and off the island mostly  
16 through breaches. And one of the ideas was to, instead  
17 of having one of the breaches, we might have a weir up  
18 in the northern part and it would be a fixed weir, most  
19 likely. So, when the water level reaches a certain  
20 stage it spills off into the island.

21           And our thinking there is that would enhance  
22 bringing the juvenile Salmon that are coming downriver,  
23 to go to the ocean, onto the restoration project. And

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1 when they're coming down it's usually in high flows, so  
2 that's the point they would go through that overflow  
3 weir.

4 So, we would use that overflow weir in  
5 conjunction with other breaches.

6 Now, whether or not we open the project up to  
7 hunting and allow duck hunters that remains to be seen.  
8 There is, I know, State Senator Lois Wolk from that area  
9 is very concerned about the loss of public access and  
10 public opportunities on some of these restoration  
11 projects, so there is some -- some folks out there that  
12 do want to open these areas up to public use.

13 So, to be honest with you, there's a good  
14 chance that would happen, yeah.

15 MR. BRIMMER: Okay, that was a sidebar. As  
16 far as raising the water, that's where I think it  
17 affects anybody on Ryer Island because now we're back to  
18 the hydrology.

19 MR. MC EWAN: Right.

20 MR. BRIMMER: If the water just goes with the  
21 flow, which I don't think by rights should affect us  
22 anymore than it does right now.

23 MR. MC EWAN: Uh-hum, right.

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1           MR. BRIMMER: But if you raise it, then  
2 whatever is there --

3           MR. MC EWAN: Yeah. So, these breaches most  
4 likely will be fairly wide, a couple of hundred feet, so  
5 it's not going to really impede the water and slow it  
6 down that much.

7           You might be familiar now we have a situation  
8 where we had a leaky culvert. That's the water you see  
9 on Prospect right now is coming out of the Miner's  
10 Slough. And it comes in, on the low tide it doesn't go  
11 out very fast, so it is right now probably trapping some  
12 water, like you're talking about.

13           We don't think that's going to be -- that's  
14 not our objective to continue that. We want to make  
15 this thing fully tidal and we want a large amount of  
16 tidal energy input into the island.

17           MR. SIEGEL: So, the inside of the tide the  
18 water would be the same as Miner's Slough, in essence.  
19 Everything, Miner's Slough, Ship Channel Island would  
20 be -- you know, there's maybe a little time lag, but the  
21 same water heights at the same tide stage.

22           MR. BRIMMER: How about in the extreme floods  
23 when that river rises up 16 feet or whatever it is?

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1           MR. SIEGEL: Right. Then the site would be  
2 used for -- then flood waters would fill across that.  
3 So, right now Prospect is part of the old bypass and so  
4 it has what's called a restricted tight levy. So in  
5 extreme flood events it can overtop and the same with  
6 Little Egbert and a few other properties. Right now  
7 that only happens in rare events.

8           But once it's restored then all of those flood  
9 events where those water levels would -- as Cache, where  
10 the whole place would rise up inside Prospect, the same  
11 with Miner's Slough, the same with the ship channel, and  
12 Cache Slough, all of them would go up together.

13          MR. BRIMMER: And they will drain together.

14          MR. SIEGEL: And they will drain together,  
15 exactly.

16          MR. BRIMMER: Okay.

17          MR. MC EWAN: Yeah, we're hoping that we can  
18 provide a -- it's not a goal of the project, but we're  
19 hoping that one of the outcomes of the project is that  
20 it provides a positive flood benefit.

21          And Bob Weber, the Superintendent of RD999 has  
22 told me that it's observations that when Prospect has  
23 breached in the past that it takes some of the pressure

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1 off of that northern Miner's Slough levy. So, I'm  
2 hoping that we can achieve some sort of benefits that  
3 way to flood.

4 MR. BRIMMER: Thank you.

5 MR. PONCELET: If I could make a process,  
6 though, you're raising, I think, really important issues  
7 that we'd like to have as part of the official record,  
8 as part of the scoping meeting context. That's exactly  
9 what this meeting is intended to elicit is  
10 participation.

11 So, maybe we can shift to that. And because  
12 there are really -- because we don't have members of the  
13 public here tonight, I'd just invite you, if you have a  
14 specific comment, you know, in terms of flow dynamics or  
15 flood levels, those are important things to share and  
16 thank you.

17 MR. RIORDAN: Actually, I wanted to add one  
18 thing onto the comment in answer to your question. We  
19 really want to design restoration projects to let nature  
20 do the work. So, you know, we don't want to try to trap  
21 water on the project. We want to be able to breach  
22 levies and having the waters going on and off with the  
23 tides, and things are kind of happening without us

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1 intervening. So without like -- you know, we don't want  
2 to have gates where we're stopping water and, you know,  
3 locking it on the island and things like that. But  
4 that's really, that's kind of a --

5 MR. BRIMMER: We don't want you to, either.

6 MR. RIORDAN: Yeah, and that's good. That's  
7 one of the things that Dennis really champions and I  
8 think all of us do, too, is that make these projects so  
9 like once they're constructed, you know, everything is  
10 natural and it's very little, you know, if any human  
11 interaction, just monitoring, hopefully.

12 MR. BRIMMER: Thank you.

13 MR. PONCELET: So I'd like to actually open it  
14 up to formal public comment period here and ask you to  
15 show hands if you'd like to make a public comment that  
16 we would enter into the record at this point to --

17 MR. HESTER: Well, I'll just state our --

18 MR. PONCELET: If you can share your name for  
19 us, please?

20 MR. HESTER: Sure, Tom Hester. You know, you  
21 addressed a lot of the concerns and so I'll just say,  
22 again, seepage is a big issue. And with the excavation  
23 of these channels out there, that could maybe open

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1 things up some more, you know, because you're going  
2 deeper, actually to those.

3 So, we're concerned to see what the -- what  
4 the study shows when it comes out in the fall. But  
5 we're pretty sure that we see a hydraulic influence for  
6 Prospect.

7 And then the other thing is Ryer Island, as  
8 you all know, is protected, and so we aren't -- Prospect  
9 needs to maintain -- we have a prevailing west wind, so  
10 Prospect needs to maintain their levy so that it can  
11 protect our levy, so we don't get that big lake action  
12 in our levy. So, we're real concerned about that.

13 And endangered species, you know, I mean we're  
14 going to have neighbors of endangered species, habitat  
15 for endangered species. How's that going to affect us?  
16 Is that going to change the way we run our operations  
17 out there? So, we are concerned about that.

18 So, I can't think of anything else. Those are  
19 our main concerns.

20 MR. MC EWAN: Yeah, one, you didn't mention  
21 that you've done so fast, that we're going to look at,  
22 is the potential community at the tidal. The tidal  
23 action in Miner's Slough and the potential effect that

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1 could have on your intakes, so we'll be looking at that  
2 as well.

3 MR. PONCELET: So, John, Kathy or Dave, do you  
4 guys want to say something this evening?

5 MR. MC EWAN: So, just, you know, we've  
6 captured those who are here, but I think just on the  
7 record it would be good if you could just jot those down  
8 or send in your --

9 MR. HESTER: Well, we're going to send our  
10 comments.

11 MR. MC EWAN: Okay.

12 MR. BRIMMER: I had one further question. What  
13 is the -- what is the purpose of clearing the -- I live  
14 right up in the northern tip, across from the Arrowhead  
15 Harbor. And right in front of my house I had a  
16 beautiful grove of trees right across the river and  
17 they've been clear cut. I don't understand how that  
18 helps the environment in any way, shape or form, or  
19 habitat, or anything.

20 MR. MC EWAN: Oh, on the --

21 MR. BRIMMER: And there seems to be some  
22 element of secrecy what's going on out there. Nobody  
23 wants to talk. It's all done with unmarked vehicles.

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1 It's almost like some kind of black ops thing going on.

2 (Laughter)

3 MR. MC EWAN: Are you referring to on Prospect  
4 Island, itself or --

5 MR. BRIMMER: Pardon?

6 MR. MC EWAN: You're talking about Prospect  
7 Island?

8 MR. BRIMMER: No, right in front of my house.  
9 I mean, all the surveying and everything else, I don't  
10 know if that's in conjunction with the water that's  
11 going down south or what, but they've been surveying the  
12 Highway 84 for quite some -- for the last year.

13 MR. MC EWAN: Yeah, I don't know. You're  
14 talking about on Ryer Island?

15 MR. BRIMMER: On Ryer Island, right adjacent.  
16 And then right after that happened you had the  
17 Department of -- oh, what are the prison guys that come  
18 out and do all the --

19 MR. HESTER: Oh, the CCC.

20 MR. BRIMMER: Yeah, they've been out clear  
21 cutting everything along the road there, on Prospect, on  
22 the west or eastern side of that. And I don't  
23 understand the intent.

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1           MR. MC EWAN: Yeah, so the first part I can't  
2 answer what's going on, on Ryer. I can tell you that's  
3 not part of this program.

4           And what is happening on Prospect is that we  
5 had a levy inspection down there. When we first took  
6 levy inspectors out there it had been probably since the  
7 Sakata Brothers had the property that that levy was  
8 inspected officially.

9           And the first of the levy inspectors told us  
10 that they can't do their job without some level of  
11 clearance so they can actually see the levy, itself.

12           So, that's why we cleared on the Prospect  
13 side.

14           After they -- after we had a crew out there, a  
15 Water Resources crew out there doing that clearing, then  
16 the clean-up, we brought the CCCs in to do the cleanup.  
17 But like I said, that's all on the Prospect side.

18           MR. BRIMMER: A lot of endangered species went  
19 away on that one. But that will be in our written  
20 report.

21           (Laughter)

22           MR. MC EWAN: Okay, very good.

23           MR. SIEGEL: So, I know Kathy or Dave,

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1 anything?

2 So, I --

3 MR. MC EWAN: We're early.

4 MR. PONCELET: We're early. I hate to end too  
5 early in case folks end up showing up late. But maybe  
6 one thing we could do is we could adjourn informally.

7 MR. MC EWAN: Sure.

8 MR. PONCELET: To the extent that we're done  
9 with public comments. But I'd like to ask everyone to  
10 stay for a while in case some people show up late and  
11 still want to make comment.

12 MR. MC EWAN: Sure, yeah.

13 MR. PONCELET: That will give them the  
14 opportunity to do that.

15 If you guys would like to just say some more,  
16 this is your chance to grab FRPA staff and some of their  
17 consultants to answer some of the questions you've been  
18 asking.

19 MR. BRIMMER: I think the only comment is I  
20 don't think anybody in this room has a problem with  
21 saving the fish and bringing the Delta back to the way  
22 it is.

23 Government works in some pretty weird ways

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1 where they use different programs to fund different  
2 agendas. And the last thing I would want to do is be  
3 caught supporting this thing, that has good merit, just  
4 to find out this is just a surface storage for water to  
5 be shipped down south, and ruin the Delta, and all this  
6 other garbage that ties in with this.

7 MR. MC EWAN: Yeah.

8 MR. BRIMMER: And if DWR is being up front and  
9 this all on the up and up, it's a good thing.

10 MR. MC EWAN: Well, I can tell you if that is  
11 the case, we have not been told that.

12 MR. BRIMMER: Good.

13 MR. MC EWAN: Yeah.

14 MR. BRIMMER: Because again, Tom does 50  
15 percent of the farming on Ryer Island and I just have a  
16 little pin piece of it.

17 MR. MC EWAN: Right.

18 MR. BRIMMER: But if you do bring the water up  
19 there, I know it's going to severely impact everything  
20 we do.

21 MR. MC EWAN: Yeah.

22 MR. BRIMMER: And right now I'm -- I seem to  
23 be okay. I don't know how he's faring, but it's been

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1 good.

2 MR. MC EWAN: You don't have big issues on --

3 MR. BRIMMER: No, I've been very fortunate.

4 The one thing, on one of these maps that came out in the  
5 mailing, instead of those channels that you're putting  
6 in there, the second page had -- it was done in a color  
7 sketch and it showed the whole island being flooded. I  
8 don't -- yeah, it was land use vicinity -- no, that's  
9 not it.

10 MR. RIORDAN: Is that the one with the blue  
11 and purple colors on it?

12 MR. BRIMMER: Yeah, it's -- it is figure 1.

13 MR. RIORDAN: Yes.

14 MR. BRIMMER: But you show the whole island  
15 being flooded instead of a tidal.

16 MR. RIORDAN: Yeah.

17 MR. BRIMMER: And again, if the north end of  
18 the island is the highest, in order for you to flood  
19 that, to get it to hold water you're either going to  
20 have to excavate quite a bit of dirt or you're going to  
21 make the water at the south end of the island extremely  
22 deep.

23 MR. MC EWAN: Yeah. No, what this is showing

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1 is actually the current condition.

2 MR. BRIMMER: I'm dry, fairly dry at the north  
3 end right now.

4 MR. MC EWAN: No, you're talking about the  
5 blue on Prospect?

6 MR. BRIMMER: Yes.

7 MR. MC EWAN: The blue shading. Yeah, that's  
8 basically -- we have two types of marshes in the  
9 Delta -- well, I shouldn't say that, there's more than  
10 two. But one way of looking at it is what are called  
11 dike marshes, and those are marshes that -- there's a  
12 lot of them like on Suisun Marsh where we have all the  
13 individual duck clubs, and there's levies all the way  
14 around and they flood it and take the water off.

15 We're going to do -- we're trying to do a  
16 aquatic habitat that isn't diked, but where we have  
17 breaches in the levy. So, what this is showing is  
18 basically that whole area is, in a sense now, diked,  
19 except for maybe one small breach on the southern part  
20 of Prospect Island. And so that's showing the existing  
21 condition, so that's not changing what we're looking to  
22 do in the future.

23 MR. BRIMMER: Okay. It appears, when I look

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1 across the river from my house, it looks pretty  
2 vegetated right now without any standing water.

3 MR. MC EWAN: Right.

4 MR. BRIMMER: But if I go down, half a mile  
5 down the road, it's like a lake out there.

6 MR. MC EWAN: Yeah, there are -- this doesn't,  
7 you know, depict everything, but there are areas where  
8 it's dry, dry land.

9 MR. BRIMMER: How are you going to attempt to  
10 keep the Bass and all that stuff out of there? I mean  
11 when they were killing them like the bazillions, they  
12 love it in there once it's breached.

13 MR. MC EWAN: That's one thing that we don't  
14 really know, yet. That's one of the things we're going  
15 to analyze and look at. We have some ideas.

16 As I mentioned earlier, there's been a lot of  
17 research looking at things like that in the Delta and we  
18 hope to incorporate some of those techniques and those  
19 features into this restoration project.

20 MR. BRIMMER: Have you guys seen the Delta  
21 Smelt? I think I've seen them.

22 (Laughter)

23 MR. BRIMMER: There's certain times at night

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1 when, I don't know what they are, but they do real well  
2 in that slough without having habitat formed for them.  
3 I mean you can go out there on certain evenings and the  
4 water will come alive. And they're little fingerlings  
5 that jump up about six inches and it will run down the  
6 river for a stretch of a quarter of a mile.

7 And I've talked to people and they go I don't  
8 even know what the Delta Smelt is. I think those are  
9 them, but there's a lot of them out there.

10 MR. MC EWAN: I haven't heard that they  
11 actually jump out of the water like that. I know that  
12 some fish --

13 MR. BRIMMER: Oh, they're just little guys,  
14 and they're little silver ones, and they just start  
15 going and the water just comes alive, it just starts  
16 churning.

17 MR. MC EWAN: Yeah, and a lot of the times  
18 they seem like they're being chased by predators, like  
19 Striped Bass so --

20 MR. BRIMMER: Well, they do it like -- they'll  
21 do it like, literally, you'll see like 300, 400 yards of  
22 it just start boiling, and then it will move down the  
23 river and you'll see it again.

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1                   MR. MC EWAN: Really. John have you -- or  
2 Jim?

3                   MR. STARR: It's probably Shad being chased by  
4 stripers and large mouth. Test it out. Just throw a  
5 little silver jig out in the middle of that.

6                   (Laughter)

7                   MR. PONCELET: So, any other questions? I  
8 think this is a good opportunity to --

9                   MR. STRINGER: You know you've got seals out  
10 there, you know that, right?

11                  MR. MC EWAN: Yeah.

12                  MR. STRINGER: I had to stop on the road there  
13 today to let them go by.

14                  MR. BRIMMER: Sea Lions.

15                  MR. STRINGER: Yeah, they run around all out  
16 there.

17                  MR. BRIMMER: And beavers, the beavers are  
18 quite a problem.

19                  MR. STRINGER: They beavers and they love  
20 those fish out there, you guys.

21                  MR. BRIMMER: Well, the beavers are taking out  
22 trees about yay big right there by my house, so they are  
23 active.

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1           MR. MC EWAN: Yeah, we think that's probably  
2 the biggest problem to the levy system that are out  
3 there.

4           MR. PONCELET: Fair enough. Okay, so I think  
5 we'll formally adjourn for those of us who are here. If  
6 you have any other questions DWR staff and Fish and  
7 Wildlife staff are available for those.

8           And again, I'd like to ask everybody else to  
9 stay here in case someone shows up late and wants to  
10 provide public comment.

11           So, thank you everybody.

12           (Thereupon, the Scoping Meeting was  
13 adjourned at 8:06 p.m.)

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## 1 CERTIFICATE OF REPORTER

2

3 I, PETER PETTY, a Certified Electronic Reporter, do hereby certify that I am a  
4 disinterested person herein; that I recorded the foregoing California Energy Commission  
5 Committee Conference; that it was thereafter transcribed.

6 I further certify that I am not of counsel or attorney for any of the parties to  
7 said conference, or in any way interested in the outcome of said conference.

8 IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of June,  
9 2013.

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## **APPENDIX D: ABBREVIATIONS**

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|          |  |
|----------|--|
| BDCP     | Bay Delta Conservation Plan              |
| BiOp     | Biological Opinion                       |
| C&E Plan | Communications and Engagement Plan       |
| CEQA     | California Environmental Quality Act     |
| CDFW     | California Department of Fish & Wildlife |
| CSLC     | California State Lands Commission        |
| CVFPB    | Central Valley Flood Protection Board    |
| CVP      | Central Valley Project                   |
| DWR      | California Department of Water Resources |
| DWSC     | Sacramento Deep Water Ship Channel       |
| EIR      | Environmental Impact Report              |
| FRPA     | Fish Restoration Program Agreement       |
| GHG      | Greenhouse gas                           |
| ITP      | Incidental Take Permit                   |
| NMFS     | National Marine Fisheries Service        |
| NOP      | Notice of Preparation                    |
| RPA      | Reasonable and Prudent Alternative       |
| SWP      | State Water Project                      |
| USACE    | US Army Corps of Engineers               |
| USFWS    | US Fish & Wildlife Service               |